

NO 19-5696
18A966

x 3

IN THE
ORIGINAL Supreme COURT OF THE UNITED STATES

S.Ct

PROVIDED FOR MAILING
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Supreme Court, U.S.
FILED
JUL 05 2019
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Adrian Francis Williams
Petitioner

AUG 16 2019

STAFF INITIALS DO
INMATE INITIALS 3

Secretary of Florida Department of corrections., et. al
MARK INCH
and
Attorney General of Florida Bryan JORDAN
Respondent(s)

on petition For A writ of certiorari
To THE United states Court of Appeals
For THE eleventh circuit

PETITION For writ of certiorari

RECEIVED
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Adrian Francis Williams #126077
Calhoun C.I.
19562 S.E. Institution Drive
Blountstown, FL
32424-5156

Question(s) Presented

- (1) Why wasn't any of the other 11 pieces of jewelry pawned alleged to have been the alleged victims except one when it was alleged that the petitioner stole 3 pieces of jewelry from her home? (2) Under the petitioner's Brady Rights, Discovery Rights and Rights to put up his Defense entitled to the alleged stolen Ring when it was needed to prove his innocence by the marks on the Ring that the petitioner pawned? (3) Under the Petitioner's Due process Rights, Confrontation clause Rights and his 6th Amendment Rights to a fair trial entitled to have access to the alleged stolen Ring for cross examination and to prove the truth that he isn't guilty as charged? (4) Was the 11th circuit in error for Denying the Petitioner Relief Due to him needing access to the alleged stolen Ring to prove his innocence when the motion to compel is also an sanction there what ever not produced that was Requested by the petitioner by motion and statute shouldn't have been used against him was this error / Manifest of Injustice for the Courts to over look? (5) Was Assistant Attorney General Charles R. McCoy, in error for presenting an untruth that the petitioner didn't participate in Jury selection to Deny him Relief Due to the petitioner being Denied an impartial Jury when it is proven that the petitioner was present all the way from pretrial thru trial was this untruth presented in the petitioner's response from the state Due to the filing of the initial 2254 Did this present an 618(b) violation and an issue of suborn perjury? (6) Was the 11th circuit court in error for Denying the petitioner's Relief based upon him being Denied the Right to an impartial Jury by stating that Jury Ms. Randolph, stated she didn't trust Law enforcement officers because one had killed someone close to her when it's proven that there are some corrupt police officers and also by her being the Last Black Person in the petitioner's Jury pool? (7) Was the 11th circuit court of Appeals in error for failing to Reverse the illegal conviction that Adrian Francis Williams is under Due to this case at hand when it is proven he was denied the Right to a trial by an impartial Jury? (8) Was Assistant State Attorney Richard W. Mantel, in error for lying under oath that he had received sworn statements from the material witnesses in this case in which was needed under Florida Rules of criminal procedures 3.140 (9) in order for the Courts to charge the petitioner thru Jurisdiction of the charging document when he knew truthfully he hadn't even received sworn testimony from the alleged victim when this is required thru Due process was this fraud upon the court? (9) By Adrian Francis Williams, Proven that the listed Assistant State Attorney Richard W. Mantel, had committed suborn perjury and fraud Due to the filing of the charging information was the petitioner's motion to Dismiss supposed to be granted when heard in court on 5-7-2012 in Duval County Courts? (10) Is it wrong for Government officials / prosecutors to lie under oath is that a violation of the constitution and that of a 618(b) violation and suborn perjury? (11) Was the 11th circuit court of Appeals in error for Denying Adrian F. Williams, Discharge of the charging information of this case at hand for the violation of his speedy trial Rights Due to the Demand for speedy trial Rights being violated when they know that once the Duval County Lower Court Denied the motion for Discharge in error that the petitioner had waived his speedy trial Rights on 4-26-2012 to Lower Court in Duval County Judge came back and asked the petitioner to waive his speedy trial Rights for the Judge Brian Stetson, to hear his motion to Disqualify in which proves the petitioner never waived his speedy trial Rights was this an Manifest of Injustice? (12) Was the Honorable 11th circuit Court of Appeals in error for Denying Discharge of the charging information Due to the speedy trial Demand under Florida rules of criminal procedure 3.191 (6) encompassed by the 6th Amendment of the United States of America and Florida's constitution where the 11th circuit ruled in error that they couldn't rule upon this issue because it was only Raised under state Law when that's not true because it was presented also under the form of the petitioner's 6th Amendment Right and his 5th and 14th Amendment Rights promised by the Bill of Rights to the Constitution of the United States of America and Florida Constitution was this error of Law?

Question (5) presented

(13) Did the petitioner's speedy trial rights start running from the filing of the charging information like stated by clearly established Federal Law and also by the facts that the petitioner was already in state custody because if so should his motion to vacate and set aside judgement have been granted due to the 6th Amendment and due process violation? (14) Was the 11th Circuit Court in error for failing to entertain both of the petitioner's 6th Amendment speedy trial rights violations by stating they were only raised under state law which isn't true because they were raised under also the violations of Adrian Francis Williams's, constitutional rights? (15) By the petitioner, already being in state custody and the state knowing where the petitioner is at and having jurisdiction over him were they in error for not bringing him to court for the alleged crimes that he didn't commit before his speedy trial time had ran out many times of 175 or 180 days?

List of PARTIES

[x] All PARTIES APPEAR in the caption of the case on the cover page.

[] All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose Judgment is the subject of this Petition is as follows:

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APPENDIX A contains 11th circuit Federal District Appeal Courts Ruling Due to my COA The permission To file a COA filed in THE Jacksonville, FL Middle District is The petition That the 11th cir adopted and responded to than Jurisdiction also my Granted Grievance Due to my legal property

APPENDIX B contains Jacksonville FLORIDA Middle District Federal Courts rulings on the 2254 Habeas Corpus and petitioners Response - The initial filed 2254 petition isn't included because it was wrongfully taken by prison officials my Grievance filed in appendix A) will prove that -

APPENDIX C - C-1 Contains my Direct Appeal Brief filed in The First District Court of Appeals in FLORIDA the states response, my ineffective Assistance of Appeal Counsel petition and The First District Courts of Appeal Denial and my writ of prohibition filed in The First District Court of Appeals of FLORIDA of what court records that wasn't wrongfully taken from me and never returned

please note that there are Documents missing out of this writ of cert Due to officials / officers of the prison wrongfully taken them and also them having inmates steal my legal Documents the petitioner Ask Let the Record reflect

APPENDIX D-DI-H carries all of the pretrial motions filed in this case and most of the court record on Appeal and other Documents that need to be pointed out by the Courts that weren't wrongfully taken based upon the rulings of the lower Courts in Duval County, FLORIDA - please note That APPENDIX C) contains a FLORIDA Bar re-sponse where his Appeal Attorney Admitted his wrongs in his clients case Due to issues that should have been raised on Direct Appeal and his communication between him and Adrian Francis Williams, see the lost Documents in appendix C-15

Each Appendix cover sheet explains what it contains to make it easy to understand why its presented

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

petitioner respectfully prays that a writ to review the judgment below,
opinions below.

[x] For cases from Federal Courts; 11th circuit United States Court of Appeals
at Appendix A to the petition and is

[x] reported at case no.: 17-14655-E ; or
[] has been designated for publication but is not yet reported;

or,
[] is unpublished.

The opinion of the United States district court at Appendix B to the petition
and is Jacksonville, FL Middle District Federal District Court case # 3:14-cv-00706-
-MMH-JBT

[x] For cases from state courts:
The opinion of the highest state court to review the merits appears at
Appendix C-C1 to the petition and is the First District Court of Appeals
of Florida

[x] reported at Florida case no.: 1D12-6044, 1D12-2642 and 1D12-2232; or,
[] has been designated for publication but is not yet reported; or,

The opinion of the Duval County lower courts the 4th Judicial Court circuit
appears at Appendixes D-H which will contain court records and
pretrial motions filed in which entitle the petitioner to relief.

JURISDICTION

☒ For cases from Federal Courts

The date on which the United States Court of Appeals decided my case was 11-18-18

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

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 3/5/19, and a copy of the order denying rehearing at Appendix A

☒ An extension of time to file the petition for a writ of certiorari was granted to and including March - July - July - Sept of 2019 (date) on March 27th, 19 and July 17, 19 (date in Application No. 18A966).

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

☐ For cases from state courts:

The date on which the highest state court decided my case was 1-22, 14 and 4-8-2014

A copy of that decision appears at Appendix C-C-1

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

☒ An extension of time to file the petition for a writ of certiorari was granted to and including March 27th, 19 and July 17, 2019 - Sept of 2019 date in Application No. 18A966

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

(CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED)

- 6th Amendment Right violations to enjoy effective Assistance of Appellate Counsel
- 6th Amendment Right violation to the Constitution to enjoy a fair trial
- 6th Amendment Right violation to the CONSTITUTION to enjoy a speedy trial
- 6th Amendment Right violation to the confrontation clause violation
Due to evidence violation to be able to cross examine witness and witnesses to be presented
- 6th Amendment Right violation to the United States Constitution to have an impartial Jury trial.
- 14th Amendment Right violation to the United States Constitution to be able to examine alleged evidence as proof of an alleged crime especially when it would prove the petitioner's innocence
- 14th Amendment Right to be heard violations and 1st Amendment Right violations to the United States of America Constitution Due to Appellant's counsel on Direct Appeal Failing to Raise preserved issues on Direct Appeal after many times of Advise the petitioner's Appellate Attorney to and Appellate Counsel Admitting these errors.
- 14th Amendment Right violations of equal protection of law to the United States of America and Florida constitutions.
- 5th and 14th Amendment violations to the United States of America and Florida Constitutions of Due Process of Law
- ABA STANDARD for Criminal Justice Prosecution - ABA MODEL RULE of Professional Conduct 3.8 (d) (1984)
- FLORIDA statutes § 918.13 Due to evidence illegally being wiped away from Defense
- FLORIDA statutes § 93.9
- FLORIDA rules of Criminal procedures 3.220 A-K1 of Prosecutors obligations (1)(k)
- The Bill of Rights Promised by the United States Constitution

(statements of case)

In The year of 2010 of our Lord Jesus Christ A warrant was put out for my Arrest out of Duval county, Florida while I, was already in the Florida Department of corrections custody. The charging information alleged that I, was charged with Burglary to an unoccupied Dwelling, Dealing in stolen property, and False verification of ownership to a Pawn Broker, for an alleged stolen Ring found in A Pawn shop in 2010 this alleged criminal episode was alleged to have taken place in 2007 the petitioner never denied the fact that he did pawn his Ring in which was the one he pawned along with 10 other pieces of Jewelry where he had intentions on going back to get them from the Pawn shop but got Arrested before because the Ring that was alleged stolen had been given to him by his grandmother and had her initial engraved in it to prove it wasn't stolen none of the other pieces of Jewelry pawned were alleged stolen when there were 11 pieces of Jewelry pawned in all by the petitioner. The Jury in trial found the petitioner not guilty of The charge of Burglary of a Dwelling, But guilty of Dealing in stolen property and False verification of ownership to a Pawn Broker, but it was alleged that 3 expensive Rings were missing from the alleged crime scene but only one of them was alleged found at the Pawn shop out of the 11 pieces of Jewelry that the petitioner pawned the petitioner needs this to be closely looked at if 3 expensive Rings were alleged to have been stolen by the petitioner, and he pawned 11 pieces of Jewelry why wouldn't none of the other pieces of Jewelry alleged stolen - The Petitioner moved to compel the courts to produce the Ring so he could prove his innocence with it thru a motion to compel Discovery / sanction Petition and many other calls all the way from Pretrial thru trial but was continually Denied the right to prove his innocence thru the actual Ring which is extreme Brady, Discovery and Due Process violations which Denied the Petitioner, to prove a fact in question that he's not guilty as alleged.

(REASON FOR GRANTING)

- #1) The petitioner being Denied the Right to a fair trial and being Denied Access to the alleged stolen Ring under his Brady Rights and Under Florida Rules of Criminal procedure Rights 3.220 (A)(B)(C)(D)(E)(F)(G)(H)(I)(J) and (K) also under prosecutors obligations also under the Rights of Florida Statute 918.13 and Supreme Court / Federal rules of conduct Due to evidence named AS ABA standard Model Rules of professional conduct 3.8(d) (1984) This also violated the petitioner's 14th Amendment Rights to Due process which promises an accused access to alleged evidence that was alleged to have been proof of an alleged crime especially when this evidence could prove his innocence. The next reason this Ground should be granted is because when the motion to compel/sanction was heard by the Duval County Courts on 2-7-2012 the petitioner requested the alleged stolen Ring to be able to prove his innocence with it by the marks contained on it he also requested thru this motion whatever not provided/produced to the petitioner thru the motion to compel shouldn't have been brought out thru testimony in trial because it was needed for his Defense, in which also is a 6th Amendment confrontation clause violation.
- #2) The petitioner being Denied his 6th Amendment Rights to have an fair trial by Jury that he was totally denied an impartial Jury - where his only Jury of his peer on his Jury pool Ms. Beverly Randolph, was struck from the Jury pool because of her statement when questioned by Jury was that someone close to her had been shot by Police in which wasn't a Race Neutral Reason to strike her and by her being the only person of the petitioner's race of color being left in his Jury pool. The entire Jury pool should have been pulled so that the petitioner could have enjoyed his right under the 6th Amendment to have a fair trial by an impartial Jury by that not being afforded to Adrian Francis Williams, is an extreme Due process violation in which left him convicted upon an illegal finding of an illegal Jury pool, in violation of clearly established law and Federal Law.
- #3) The petitioner's charging information being sworn in, illegally under Fraud by Duval County state Attorney Assistant Richard W. MONTI, under Florida Rules of Criminal procedure 3.140(b) by swearing it in that he had recited all sworn statements from material witnesses in this case to institute prosecution but on 2-7-2012 when the petitioner, filed his motion to compel/sanction motion to produce the alleged stolen Ring, the sworn statements from the states alleged witnesses were also requested that weren't produced/provided where the state admitted that it didn't even have the sworn statements from the alleged victim / person who alleged someone broke in to her home the state replied it relied upon police reports in which aren't sworn Affidavits this proves that prosecution in this case was instituted in bad faith and upon fraud upon the courts therefore the petitioner's fraud upon the court motion should have been granted in Duval County Courts on 5-7-2012 when it was filed if that would have taken place the petitioner wouldn't be convicted upon fraud upon the courts.
- #4) The petitioner, being convicted when it was proven that his 6th Amendment Right to enjoy a fair and speedy trial had been extremely violated under Florida Rules of Criminal procedure 3.191(b) and (c) when his Demand for speedy trial motion had been timely and also the petitioner never waived his rights to a fast and speedy trial under his 6th Amendment Right encompassed by Due process of the 5th and 14th Amendments to the United States of America and Florida constitutions especially when proven from the court record the Duval County lower court Judge Bend Stetson, Denied the petitioner discharge of the charging information in this case upon error of law for an agreement that never took place based upon the making an agreement to set the speedy trial date beyond the set period of time where the petitioner never to any court date set beyond the speedy trial time. Then to put the icw on the case on court date set beyond Judge came back on 5-7-2012 and asked the petitioner, to waive his speedy trial rights so he could entertain his motion to disqualify him this proves relief is due.
- #5) By the Petitioner, already being in prison and a warrant being issued for his Arrest and him not being tried within his speedy trial time based upon the information being filed with in a 175 or 180 Days under his 6th Amendment Rights encompassed by his 5th and 14th Amendment Rights to Due process promised by the United States and Florida Constitutions

Comes now Adrian Francis Williams, to prove this PURE Manifest - OF INJUSTICE in which he is serving an illegal 12-year sentence in which is totally in violation of the United States and FLORIDA Constitution. The petitioner Adrian Francis Williams, is here to prove all claims in which proves that he is entitled to dismissal of the charging information sheet out of Duval County under case No.: 2010-CF.10746

The petitioner, would ask this court's and Honorable Judges to please pay close attention to all Arguments presented to this Honorable supreme court in this writ of HABEAS CORPUS presented to cure an extreme Manifest of INJUSTICE along with Constitutional Rights violations and clearly established Law violations.

Please see the court states in Hall v Bellman, 935 F.2d 1106, 1110, and (10th Cir. 1991). that a pro se litigant pleadings are to be considered liberally - and held to a less stringent standard than formal pleadings drafted by lawyers. . . IF a court can reasonably read the pleadings to state a valid claim on which plaintiff could prevail, it should do so despite the plaintiff's failure to cite proper legal authority, his confusion or his unfamiliarity with pleading requirement. See also Haines v Kerner, 404 U.S. 519 (1972).

The petitioner, Adrian Francis Williams, is here to prove that he is a pure victim of a "Manifest of injustice" petitioner must demonstrate (1) that there was error, (2) that was plain (3) that affected his substantial rights and (4) that affected the fundamental fairness of the proceedings. U.S. v Quintana, 360 F.3d 1227 (11th Cir. 2002)

see cite 844 F. Supp. 2d 1874 five non-exclusive ways in which a Habeas Corpus, Petitioner, may satisfy the fair presentment requirement for exhausting his claims before state court include reliance on a specific provision of the Constitution, substantive and conspicuous of a Federal constitutional claim, on-point citation to Federal constitutional precedents identification of a particular right specifically guaranteed by the Constitution, and assertion of a state law claim this is functionally identical to a Federal constitutional claim.

PLEASE SEE Conaway v Polk, 453 F.3d 567, 585 (4th Cir 2006);
Sandgate v Maass, 314 F.3d 371, 376-377 (9th Cir 2002);
(FEDERAL habeas CORPUS, review is available despite petitioner's,
failure to frame a claim in Federal constitutional terms in state court because
state court expressly included Federal constitutional claims in its ruling

GROUND / claim #1) is a Direct Appeal issue one is now presented
comes now Adrian Francis Williams, to prove that he was denied his 6th Amendment Right
to have effective Assistance of Counsel for John B. Kelly's failure to follow the argument
presented by the petitioner, Adrian Francis Williams, in which the petitioner moved
for the state to compel this alleged stolen ~~ring~~ ring, so he could have proved his
innocence. In which the petitioner, was unsuccessful in obtaining it from the state.
this presented a pure procedural default of FLORIDA RULES OF CRIMINAL PROCEDURE 3.220
Discovery Rights (A)(B)(C)(D) and (J)(I)(K), because the ring was the only way,

for me AS Adrian Francis Williams, to prove his innocence, because his grandmother's
initials and date of birth was engraved in the ring that Adrian F. Williams, pawned.
By the state denying the petitioner, Adrian Francis Williams, access to the alleged
stolen ring - from pretrial all the way thru trial even upon repeated request
thru legal motions - violated the petitioner's rights totally to be able to put up his
defense and also to be able to refute the state's claims. That is plain to see that is a
confrontation clause violation because he could in no way cross-examine any one
concerning the contents of the ring to prove his claim because the prosecutor violated
the prosecutor's obligation in which presented a pure case of prosecutor misconduct.

The petitioner, Adrian Francis Williams, now presents the prosecutor's misconduct do
to their denying the petitioner's access to the alleged stolen ring this will prove a pure
Brady violation and manifest of INJUSTICE, in which constitutional right violations have
been proven in the case of Adrian Francis Williams, for failure to uphold discovery
procedures and statutes. In which if someone is accused of committing a crime the
accused thru Adversary testing to be able to prove his claim, that he is innocent and
in the case of Adrian Francis Williams, the ring itself in its proper person would have
been able to properly prove his innocence.

1) now presenting procedure defaults to prove prosecutor misconduct FLORIDA RULE of
criminal procedure 3.220 (1)(k), prosecutor's discovery obligations: states
that any tangible papers or objects that the prosecutor attorney intends
to use in the hearing or trial and that were not obtained from or that did
not belong to the defendant, the court may prohibit the state from introducing
into evidence any of the foregoing material not disclosed so as to secure and
maintain fairness in the just determination of the cause.

2) ABA standard for criminal Justice prosecution: should not intentionally fail to
make a timely disclosure to the defense at the earliest feasible opportunity of
the existence of all evidence or information which tends to negate the guilt of
the accused or mitigate the offense charged or which would tend to reduce the
punishment and offense of the accused's; ABA Model Rule of Professional
conduct 3.8.(d)(1984) the prosecution in a criminal case shall. . . make
timely disclosure to the defense of all evidence or information known to the prosecu-
tor, that tends to negate the guilt of accuse or mitigates the offense

3) FLORIDA Rules of COURT / FLORIDA statutes 918.13 - which states ruling on evidence that no person knowing that a criminal trial or proceeding or an investigation by a duly constituted prosecuting authority law enforcement of the state is pending or is about to be instituted shall: (a) alter, destroy, conceal or remove anything with the purpose to impair its verity or availability in such a proceeding or investigation. Any person who does is guilty of a 3rd degree felony punishable as provided in § 775.082, § 775.83 and § 775.084

If this Honorable Court reviews the petitioner's motion to Compel Discovery is that was used to produce the alleged stolen ring and the sworn statements from the material witnesses, in this case in which is contained in APPENDIX D-1) of this writ of certiorari, this motion not only serves as an motion to compel but also an sanction for whatever that's not disclosed to the person requesting to compel material for his defense to prove an fact in question - in this case not one item requested by the petitioner Adrian Francis Williams, by the state the ring nor the sworn statements - in which the motion to compel was granted to be heard and in which the motion states whatever is not produced from the requester can't be used against him at a later date for failure to compel it by requested defendant for his defense - so Assistant Attorney General SENIOR MR. CHARLIE MCCOY, argument due to the motion in limine is moot.

Therefore the state in the case of Adrian Francis Williams, were without authority to use the ring in trial against the petitioner, is because they failed to abide by "Brady rules" and "Discovery Rules" and also failed to meet the requirement to give the petitioner, the right to a Fair trial under 6th Amendment and 14th Amendment Rights to the United States and FLORIDA Constitution in which also under Due process promises the right to the accused the right to examine alleged evidence that is alleged to be proof of a crime to be able to prove that he is not guilty of stealing anyones ring. The ring was withheld from the petitioner, because the prosecutors, in this case knew if it was produced the petitioner would have be able to prove his claims that he is actually innocence.

This is a CLEAR 6th Amendment Right violation to the United States and FLORIDA Constitution in which is governed by Due Process to have a fair trial. . .

Therefore the Duval County Courts were in error for upholding this illegal conviction along with the FLORIDA'S First District Court of Appeals (1st DCA) because it is contrary to the United States and FLORIDA Constitution on its face. . .

see VAN ARSDALL, 475 U.S. at 689, 106 S. Ct at 1436, a defendant states a violation of his right to confrontation by showing that he was prohibited from engaging in other wise appropriate, cross examine designated to expose facts from which jurors could appropriate inference relating to reliability of the witness. see NORTON V SPENCE, 351 F.3d 1, 8 (1st Cir 2003), cert. denied, 542 U.S. 933 (2004)

state court decision are an unreasonable application clearly established Federal Law - a holding utterly inconsistent with Brady v Maryland. In this writ of cert the lower courts mis understood the Brady violation and a lot of the petitioner's argument in his constitutional right violation claims. The Duval County Lower Courts - Jacksonville, FLORIDA and The First District Court of Appeals of FLORIDA were both in error.



see also clearly established Federal Law that has been violated in the case of Adrian Francis Williams, see Lisenba v California, 314 U.S. 219, 236, 62 S. Ct 280, 298, 86 L. Ed 116 (1941) as imposing on the police an undifferentiated and absolute duty to retain and to preserve all material of conceivable evidentiary significance in a particular prosecution. See Brady v Maryland, 373 U.S. 83 S. Ct 1194, 1196, 10 L. Ed. 2d 15 (1963), this Court held "that the suppression by the prosecution of evidence favorable to the accused, upon request violated due process, where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution." 373 U.S. at 87, 83 S. Ct. 1194, we have since held that the duty to disclose such evidence is applicable even though there has been no request by the accused,

United States v Agurs, 427 U.S. 97 (1976), and that the duty encompasses impeachment evidence as well as exculpatory evidence, United States v Bagley, 473 U.S. 667, 676 (1985) such evidence is material "if there is a reasonable probability that, had the evidence been disclosed to the to the defense, the result of the proceeding would have been different." Id., at 682 see also, Kyles v Whitley, 514 U.S. 419, 433-434 (1995). Moreover, the rule encompasses evidence "known only to police investigators and not to the prosecutor," in which would fit clearly in this case of Adrian Francis Williams, in which the petitioner, was denied the right to prove his innocence - in which denied him the right to a fair trial by the ring being withheld. In which relief is warranted.

see Depetris v Kuykendall, 239 F.3d 1057, 1063 (9th Cir 2001) (exclusion of evidence, which was upheld by state courts, violated petitioner's clearly established right to due process of law - the right to present a valid defense as established by the Supreme Court in Chambers v Mississippi, and Washington v Texas).

see e.g., Danner v Kentucky, 525 U.S. 1010 (1998) (Scalia J., dissenting from denial of certiorari) ("it is a dangerous business to water down the 6th Amendment [Confrontation right so dramatically merely because society find the charged crime particularly reprehensible, the more reprehensible the charge, the more the defendant is in need of all constitutionally guaranteed protection for his defense. see in Strickler v Green, 527 U.S. 263, 119 S. Ct. 1936, 1936, 144 L. Ed 2d 286 (1999). (Id), 527 U.S. 263, 280-281, 119 S. Ct at 1948. Thus, the Strickler, "Court summarized: "there are three components of a true Brady violation. The evidence at issue must be favorable to the accused either because it is exculpatory or because it is impeaching; that evidence must have been suppressed by the State either willfully or inadvertently; and prejudice must have ensued." (Id), 527 U.S. at 281-282, 119 S. Ct. at 1948.

In the case of Adrian Francis Williams, it is proven that his following Constitutional rights to the United States and Florida Constitutions have been totally violated his 6th Amendment right to a fair trial, 6th Amendment right to be able to confront the alleged evidence to be able to cross-examine the state's witnesses, 6th Amendment right to be able to have effective assistance of counsel, because Attorney John B. Kelly III, failed to properly raise all of the petitioner's preserved issues on Direct Appeal, 5th and 14th Amendment rights under due process to be able to examine material evidence especially to be able to prove a claim of innocence.

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See Amado v Gonzales, 2014 U.S. App Lexis 14002, at *38 (9th Cir July, 2014) (State Court's creation of "due diligence" requirement for defense's invocation of Brady "would flip the prosecutor's obligations under Brady by enabling a prosecutor to excuse his failure by arguing that defense counsel could have found information himself and thus is contrary to Federal Law as clearly established by the Supreme Court")

See Brown v Wainwright, 459 F. Supp 244, where in case in which both prosecution and Defendant were remiss in complying with pretrial discovery rules under Florida's Rules of Criminal Procedure, trial court imposed exclusion and sanction on Defendant's evidence while admitting all prosecution's evidence which had not been disclosed prior to trial, Defendant was denied a fair trial as required by Due Process Clause of Fourteenth Amendment, given imbalance in application of exclusionary rule, even though neither of such ruling alone would necessarily have deprived defendant of a fair trial. 33 West's F.S.A. > Rules of Criminal Procedure, Rule 3.220 (J)(1); > U.S.C.A. Const. Amend. 14).

The petitioner Adrian Francis Williams, states as fact that the state in this case nor Assistant Attorney General Charlotte McCoy, never refuted the petitioner's claim in this ground number one of his 2254, in which proves that relief is warranted for violation of the petitioner's, constitutional rights, that have been warranted have been violated. Any of the petitioner's, claims that were misworded on his Direct Appeal shall be held accountable to Attorney John B. Kelly, the petitioner's, direct appeal counsel in which is proven ineffective assistance of counsel under Washington v Strickland - in which is a letter, from Attorney John B. Kelly, told the truth that I, wrote letters to him and his office many times but they never responded to that they would make it their business to make sure that they provided better representation in the future, see Appendix C-1 of this writ of cert.

The petitioner, would never try to clog this Honorable Court with legal documents therefore he will rely on his exhibits presented in his initial 2254 that are now changed to Appendixes for the Honorable S.Ct. to prove all of his claims unless he is trying to prove a new fact that hasn't already been submitted to this Federal Court.

It shouldn't be held against the petitioner, because an Attorney appointed to him took many of his argument out of contents when the argument from the lower courts went to the appeal courts on review. This should shine more brighter for the courts to see that the petitioner's, 6th Amendment rights to have effective assistance of counsel under Washington v Strickland prongs and also Evitts v Lucey, 469 U.S. 387, 83 L. Ed 2d 881 53 U.S. CM 4101, Prong have been totally violated in which denied the petitioner the right to be able to properly appeal from an illegal conviction. In regards to ineffective assistance of appeal counsel on Direct Appeal review. Also see Douglas v California - 372 U.S. 353, 357, 83 S.Ct. 814, 816, 9 L. Ed 2d 811 (1963) in which the listed case govern assistance of appeal counsel on Direct appeal review. If they are examined it will prove that John B. Kelly III, out of Woodsville, Florida was totally ineffective to the case of Adrian Francis Williams, in which is a Due Process violation.

See Johnson v State, 249 So.2d 470, (Fla. App. 3rd 1971) and Donald Ray Stipp v State, 371 So.2d 712, it is violation of state and Federal Due Process for the state to unnecessarily destroy most critical exculpatory evidence in its case against accused and then be allowed -

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to introduce essentially irrefutable testimony of most damaging nature against accused it is wrong because it violates a most fundamental, right of due process constitutionally mandated in Florida and the United States as held Johnson v State

See Supreme Court of Florida, Robert Wilcox v State of Florida, 376 So. 2d 1020, rather than a mere cautionary instruction to ameliorate the adverse impact of testimony, the rule relating to prosecutorial disclosure contemplates that material not disclosed to the defense shall not be introduced in evidence 33 West's F.S.A. Rules of Criminal Procedure, Rule 3.220 (a) (1) (iii)

The petitioner Adrian Francis Williams, would like to make Assistant Attorney General Charles R. McCoy, to be aware that a constitutional right violation is a constitutional right violation and all constitutional rights are Federal whether it occurred in the state courts due to them failing to follow procedures or statutes, it is all governed by the Constitution.

See e.g. Yate v Yatt, 500 U.S. 391, 402-03 (1991); Rose v Clark, 478 U.S. 570 (1986); Chapman, 386 U.S. 18 (1967) id at 21 (Chapman standard protects those rights that are "rooted in the Bill of Rights, offered and championed in the Congress by James Madison, who told the Congress that the independent Federal Courts would be the 'guardians of those rights.'")

In the case of Adrian Francis Williams, the courts erred by denying the petitioner, continual efforts to compel the state to produce the ring. In so doing, the court below violated the petitioner's due process rights under the Fourteenth Amendment of the United States Constitution and Article 1, Section 9 and 16 of the Florida Constitution. See Rogers v State, 788 So. 2d 331 (1st DCA 2001) See Connor v State, 803 So. 2d 598, 605 (Fla. 2001), see also United States v Ba Jaka Jian, 524 U.S. 321, 337 n. 10, 118 S. Ct. 2028, 141 L. Ed. 2d 314 (1998) As stated by the United States Supreme Court, mixed questions of law and fact that ultimately determine constitutional rights should be reviewed by appellate courts using a two step approach, deferring to the trial court on questions of historical facts but conducting a de novo review of the constitutional issue.

Therefore, it was error, of a pure fact to admit illegal pictures of a ring that wasn't the actual ring that the petitioner needed to prove his innocence in which it was alleged the petitioner, had stolen. The real ring was withheld because it was known by the state that the petitioner, could have proved his innocence if it was given to him upon numerous request by the petitioner thru motions for the state to compel it for his defense.

See Walker v Martin, 131 S. Ct. 1120, 1130 (2011) ("this Court [has] repeatedly recognized that Federal Court must carefully examine state procedural requirements to ensure that they do not operate to discriminate against claims of Federal rights")

See Graham v Bill, 223 U.S. 643, 644-45 (1912) (Mem) (rejecting state fact findings based on evidence inadmissible as matter of Federal Law.)

The due process clause of the Fourteenth Amendment to the United States Constitution protects a defendant in a criminal case against conviction "except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime with which he is charged."

See In re Winship, 397 U.S. 358, 364, 40 S. Ct. 1068, 1073 25 L. Ed. 2d 368 (1970)

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see Dowers v Richards, 151 U.S. 658, 667 (1894) (Similar). See also
In Wood Laboratories v Ives Laboratories, 456 U.S. 844, 857 n.19
(1986) (dicta) (lower Federal Court's failure to "consider relevant
evidence would have been an error of law.")

The Petitioner, ask this Honorable Court to examine the fact that the alleged victim
stated that "3" rings were missing from the alleged burglary if the petitioner,
was the one who committed this alleged crime he would have pawned
all three rings not one because on the pawn slip the petitioner pawned "11"
pieces of Jewelry and only one of them was alleged to have been the alleged
victim's, in which proves that Adrian Francis Williams, is not guilty as charged
and convicted.

- Questions Due to this issue -

Question #1) Why wasn't any of the other "11" pieces of Jewelry pawned
alleged to have been the alleged victims except one when it was alleged that
the petitioner stole 3 pieces of Jewelry from her home?

Question #2) Under the petitioner's Brady Rights, Discovery Rights and Rights
to put up his Defense entitled to the alleged stolen Ring when it was needed
to prove his innocence by the marks on the Ring that the petitioner pawned?

Question #3) Under the petitioner's Due Process Rights, Confrontation clause Rights
and his 6th Amendment Rights to a Fair trial entitled to have access to the
alleged stolen Ring for cross examination and to Prove the truth that he isn't
guilty as charged?

Question #4) Was the 11th circuit in error for Denying the petitioner Relief due to him
needing access to the alleged stolen Ring when the courts knows that the petitioner,
filed motions to compel the alleged stolen Ring to Prove his innocence when the
motion to compel is also a sanction there what ever not produced that
was requested by the petitioner by motion and statute shouldn't have been
used against him was this error / manifest of Injustice for the courts to overlook?

Ground 1 (Claim #2 Direct Appeal issue) The First District Court of Appeal of
Florida created a manifest of Injustice by [Ground Five in initial Habeas
corpus petition 2254] rejecting Adrian Francis Williams, based on a Neil
and Slappy violation Assistant Attorney General Charles McCoy took the
Petitioner's argument totally out of context.

[The trial court failed to conduct a proper Mel Bourne inquiry to the state's
peremptory strike of prospective Juror Beverly Randolph].

In the case of Adrian Francis Williams, where his 6th Amendment right to fair trial
has been totally violated because he had been totally denied the right to an
impartial jury that is how this whole argument took place the petitioner
was denied the right to an group of impartial jury of his peers - this
also violated Due process.

STANDARD OF REVIEW

A trial court's finding that the state's use of a peremptory challenge against a prospective black juror was reasonable, race-neutral; and non pretextual will be reviewed on abuse of discretion. See Files v State, 613 So.2d 1301 (Fla. 1992).

ARGUMENT

During Jury selection, the, represented by Mr. Forbess, exercised a back strike against JUROR Ms. Randolph. The petitioner, requested a race neutral reason for the strike, the court acknowledged the petitioner's request, stating "a Neil-Slappy has been invoked" (v. 5: 204) under Melbourne v State, 769 So.2d 579 (Fla. 1996), the Florida Supreme Court outlined a three-part process for handling such circumstances. The first step in the Melbourne process is that the defendant must make a timely request of a race-neutral reason, which occurred in the instant case. The second step is that the state must articulate a race-neutral, non pretextual reason to strike. In the instant case, the state's race neutral reason was that "[t]his case does involve law enforcement. The state does not want her to be sitting there thinking about her relative that was shot by the police" (v. v: 204).

The court responded that it considered nonpretextual to mean you have to be very consistent. so I find that is a race-neutral reason and I don't see any inconsistencies so that will be allowed. (v. v: 206). This was error. In State v Slappy, 522 So.2d 18, 22 (Fla. 1988), the Florida Supreme Court required that the proponent of the strike demonstrate "clear and reasonably specific racially neutral explanation of legitimate reasons" for the state's use of its peremptory challenges. In the instant case, the state's race-neutral reason focused on the fact that the prospective juror's relative had been killed by law enforcement and that the instant case involved law enforcement. No member of law enforcement was a victim or eyewitness in the instant case; only a fingerprint expert testified. Such as in the instant case in regards to involved law enforcement to the extent that practically all criminal cases involved law enforcement. Consequently, the state's proffered reason fails its reasonably specific test. In Tetrevilt v State, 24 So.3d 1242, 1244 (Fla. 1st DCA 2009), stated that "implicit in its allowance of peremptory strikes are findings that the explanations are genuine, because [t]he court's focus in step 3 is not on the reasonableness of the explanation, but rather its genuineness. . . Melbourne, 679 So.2d at 764. see also Purkett v Elm, 516 U.S. 765 115 S. Ct 1769, 131 L. Ed. 2d 834 (1995)

In the instant case, the trial court only made reference to the state's consistency, and no comment as to whether the race-neutral reasons offered by the state was genuine and nonpretextual. Since the record is silent on this issue, in the case of Adrian Francis Williams, it cannot be said that the court made the requisite Melbourne analysis. The petitioner conviction should have been reversed and remanded for a new trial. See Bellamy v Crosby, 31 So.3d 895 (Fla. 1st DCA 2010)



The petitioner, Adrian Francis Williams, would like to place Assistant Attorney General Senior Charles or Charlie R. McCoy, on notice that being untrue to the courts, by stating facts that he knew isn't true is suborn perjury and an 6B1610 violation. Therefore, the argument that he made that it, the petitioner, Adrian Francis Williams, didn't participate in jury selection therefore this argument isn't preserved is moot. Because Assistant Attorney General Charles or Charlie R. McCoy knows that it, was pro se, from jump street all the way from pretrial thru trial standby counsel in this case did nothing but standby. Therefore, this argument presented by Charles R. McCoy is moot to try and get this argument in my 2254 Habeas corpus denied.

The petitioner has to much respect for the courts to try and submit facts that is untrue. Assistant Attorney General Charles R. McCoy took an oath to uphold the Constitution before he became an government official. Therefore, he should be truthful when reviewing Constitutional right violations - when proven by the petitioner, Adrian Francis Williams, and act as if he has respect for the United States and Florida Constitution in which the United States of America is established from The Circuit Court is bound by the decree as the Law of the case and is required to perform the purely ministerial act of implementing the mandate!

The reason the petitioner, Adrian Francis Williams, presented the above cites of Law, because he wants this Honorable Supreme Court to please pay attention to how many cites of Law that the Duval County Lower Courts and the First DCA over looked in this case that they were bound to follow presented in every claim of this writ of cert petition, in which they ignored in which creates a pure violation of the 14th Amendment to the constitution of equal protection. This is requested to be examined/applied to all of the petitioner's claims in which proves a pure manifest of injustice from violations of ~~Bill of Rights~~ Failing to follow - Law procedures, statutes and case law cites in which are mandated in compliance with due process

please see Dretke v Haley, 541 U.S. at 399-400 (Kennedy, J., dissenting)
("The Law must serve the cause of Justice... In a society devoted to the rules of Law, the difference between violating or not violating a criminal statute cannot be shrugged aside as minor detail ") 541 U.S. 386, 158 L.Ed 2d 659 cite as S.Ct 1847 (2004)

The Honorable 11th Cir Applied the Boston standard clearly established Federal Law due to the Neil v slappy violation but they fail to under stand that Adrian F. Williams, 6th Amendment Right to a fair trial had been violated because he was Denied an impartial jury for trial in full -

- Questions Due to this issue -
Question #5 was Assistant Attorney General Charlie / Charles R. McCoy, in error for presenting an untruth that the petitioner Adrian Francis Williams, didn't participate in jury selection to Deny him Relief due to the petitioner being Denied an impartial jury when it is proven that the petitioner was pro se, all the way from pretrial thru trial was this untruth presented in the petitioner's response from the state due to the filing of the initial 2254 Did this present an 6B1610 violation and an issue of suborn perjury?

Continuation of Question from Ground/claim # 2 - Before Ground/claim # 3 is litigated -

Questions Due to claim/Ground # 2

Question #6 was the 11th circuit Court in error for Denying the Petitioner, Relief based upon him being Denied the right to an impartial Jury by stating that JURY Ms. Randolphs stated she didn't trust Law enforcement officers because one had killed someone close to her when it's proven that there are some corrupt Police officers and also by her being the Last Black Person in the Petitioner's Jury pool?

Question #7 was the 11th circuit Court of Appeals in error for failing to Reverse the illegal conviction that Adrian Francis Williams, is under Due to this case at hand when it is proven he was denied the right to a trial by an impartial Jury?

Love v. Tate, 449 Fed. Appx. 570, 571, 573, 2011 U.S. App. Lexis 18445, at #2, *9-*10 (9th Cir. Aug. 31, 2011) ("California Court of Appeals made an unreasonable determination of the facts in light of the evidence before it" by concluding under Batson v. Kentucky, that substantial evidence supported the state trial court's finding of no improper racial bias by prosecutor who used "peremptory strike against the only Black venire member")

Harris v. Hardy, 680 F.3d 942, 953, 965 (7th Cir. 2012) ("it was unreasonable for the [state] Court to credit the prosecutor's race-neutral explanations for striking several African American prospective jurors" "the only reasonable inference that can be drawn from the record is that proffered reasons were pretexts for purposeful race discrimination")

Ground/claim #3 Comes now the petitioner, Adrian Francis Williams, Changing vehicles, to prove that his APPEAL Attorney John B. Kelly III, out of woods-ville, Florida violated his 14th Amendment right to the United States and Florida's constitutions to be heard on Direct Appeal based on all the rest of his claims that have been proven to have been constitutional right violations based upon his 6th Amendment right being violated to be able to confront the illegal charging information that was later learned to be able to confront the illegal charging information that was later learned to have been sworn in based upon Fear and sworn suborn Perjury, that created a Due process violation because Florida rules of criminal procedure 3.140(g) was ignored by the Assistant state Attorney/prosecutor Richard W. Mantei, who swore the charging information Document in that he had recieved all the sworn statements from the material witnesses, in this case, but it was later found out by the Petitioner, that no sworn statements werent even taken not even from the alleged victim in this case at hand in which is an manifest of INJUSTICE please see Appendix D-1) In this writ of cert to view #1) the initial motion to compel, that was also used to compel the, alleged stolen Ring, also #2) this Appendix Will contain the petitioner's petition to confront the alleged charging Document on 1-3-2012 and the Court Record of 2-7-2012, >

~~REDACTED~~

where the motion to compel was heard and the state Admitted that they didn't have the alleged stolen Ring that the petitioner needed to prove his innocence the state also Admitted that it Didn't even have an sworn statement from the alleged victim in this case in which proves Fraud upon the court where also the Motion to Compel also serves as an sanction therefore what wasn't produced to the petitioner upon the motion to compel shouldn't have been used against the petitioner, in trial therefore the contents of the alleged stolen Ring shouldn't have been talked about in Adrian F. Williams, trial nor testimony from the alleged victim because neither was the sworn statements produced upon Request of the petitioner timely nor the alleged stolen Ring therefore by Motion to Compel / sanction should have been upheld upon clearly established Law and the petitioner's Due Process Rights what ever wasn't produced 5-Days after the Motion to Compel hearing on 2-7-2012, shouldn't have been used in Adrian Francis Williams, trial therefore when the petitioner's Fraud upon court motion was presented to the Courts for Failure to take sworn statements from the state's alleged witnesses in this case at hand including the alleged victim based upon Fraud upon the Courts - and Due process violations it should have been granted when filed in Duval County Courts - Therefore the petitioner's Appeal Attorney John B. Kelly III, should have raised this issue on Adrian Francis Williams, Direct Appeal timely under his 14th Amendment Right to be heard.

Please see Appendix-1) in this writ of cert is a Letter, from the Florida Bar in which Attorney John B. Kelly III, Admitted to the Florida Bar that he was basically ineffective to the case of Adrian Francis Williams, even after the petitioner tried to contact them numerous times but they failed to respond to the petitioner, Due to issues that needed to be raised on his Direct Appeal under his 14th Amendment Right to be heard on Appeal.

See Also Supreme Court case of Fla., Pasco v Chris and Wendy Riehl, 635 So.2d 17 (1994 Fla.) also see 2nd DCA - Douglas v Johnson, 65 So.3d 605 (2nd DCA 2011) Also see Eli Baron v Armbruster, 941 So.2d 1235 (2006 2nd DCA) Due process clause requires that deprivation of Life, Liberty or Property be preceded by notice and opportunity for hearing appropriate to nature of case. U.S.C.A. Const Amends. 5, 14. Under due process, the right to be heard at an evidentiary hearing includes more than simply being allowed to be present and to speak; the right to be heard includes the right to introduce evidence at a meaningful time and in a meaningful manner, and the opportunity to cross-examine witness and to be heard on questions of Law. > U.S.C.A. 14 Amend. Also see Goldberg v Kelly, 397 U.S. 254, 90 S.Ct. 1011, 25 L.Ed.2d 287 (1970), Mathews v Eldridge, 42 U.S. 319, 341, 96 S.Ct. 893, 417 L.Ed.2d 18 (1976) (quoting Armstrong v Manzo, 380 U.S. 545, 552, 85 S.Ct. 1187, 14 L.Ed.2d 62 (1965))

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Attorney John B. Kelly III, also failed to raise the petitioner's, 2-Speedy trial rights claims based upon the petitioner's demand for speedy trial motion filed December 22, 2011, plus the petitioner's motion to vacate and set aside judgement based upon the filing of the charging information and bringing the petitioner, back to court because he had been in state custody and the state let the speedy trial time run many times past 175 days in compliance with Due process and Florida Rules of Criminal Procedure 3.191 before he was brought back to Duval County Courts to face charges - in which violated the 6th Amendment Right to have a fair and speedy trial.

See Supreme Court Evitts v Lucey, 469 U.S. 387, 83 L.Ed.2d 821, 53 USCM 4101 and Douglas v California, 372 U.S. 353, 357, 83 S.Ct 814, 816, 9 L.Ed.2d 811 (1963) held that the Fourteenth Amendment guarantees a criminal Defendant Right to Counsel on such an appeal.

The petitioner, has also been Denied his Due Process right to be heard by Attorney John B. Kelly III, See Strickland v Washington, 466 U.S. 668, 687, 140 S.Ct. 2052, 2064, 80 L.Ed.2d (1984) for the violation of these constitutional promises the petitioner requested that his sentence of twelve years be vacated and set aside.

See Chapman v California, 386 U.S. 18, 23 and n. 8, 87 S.Ct. 824, 17 L.Ed.2d 705 (1967) See also Glasser v United States, 315 U.S. 60, 76, 62 S.Ct. 457, 86 L.Ed. 680 (1942) ("The right to have assistance of counsel is too fundamental and absolute to allow court to indulge in nice calculation as to the amount of prejudice arising from its denial.").

Ground / Claim #4 Claims of Ineffective Direct Appeal Counsel

Ground one

Appellate Counsel ineffective failed to argue Williams was denied the right to confront his charging document (information) at arraignment that was sworn in - in bad faith based upon suborn perjury by Duval County Assistant State Attorney Richard W. Mantie - because Florida Rules of Criminal Procedure 3.140(g) were violated - because Richard W. Mantie - swore that he had received all of the sworn statements from material witnesses in the alleged case before he swore the charging document in like required by 3.140(g) but it was later found out by the petitioner. S, motion to compel / sanctions motion in (Appendix D) of this writ of certiorari that no sworn statement were never taken not - even from the alleged victim in which makes the charging document invalid. Therefore, if the petitioner's, fraud upon the court motion is reviewed in Appendix) of this writ of certiorari is should have been granted in front of Judge Brad Stetson instead of denied in error in which is a Due Process violation

The petitioner Adrian Francis Williams, direct Appeal counsel John B. Kelly III, Failed to Raise on the Petitioner's Direct Appeal the fact that on 12-21-2011 at the Petitioner's arraignment at the petitioner was pro se, see (Appendix C-i) in this writ of CERTIORARI which will include a copy of the court docket in this case so this court can see all of the proceeding and status of every motion filed in this case also to see that the petitioner never had counsel on this case period. Judge Brad Stetson was out on the Date of 12-21-2011, and Duval County Judge Adrian Soud was filling in for him, at the petitioner's arraignment date, at arraignment the petitioner, moved to challenge the legal sufficiency of the charging information sheet before entering any plea to the merits of the charges. Judge Adrian Soud, Denied the petitioner this right after he told the petitioner, that he did have that right but he had to handle this issue by the proper motion. The petitioner told Judge Adrian Soud, on 12-21-2011, that he had the motion to challenge the information sheet. This Judge denied him the right to do so, and took it upon himself to enter a plea of not guilty to the merits of the information sheet in error, in which he can't do because the petitioner was pro se. After this Judge illegally entered the plea of not guilty on the petitioner's behalf, he passed the petitioner's court date off until 1-3-2012, on January 3, 2012, Judge Brad Stetson, still was not on the bench, Judge - William Wilkes, was standing in. The petitioner, then filed a confrontation clause right violation motion based on him being denied the right to challenge his information sheet. In which is contained in Appendix D-i) of this writ of cert where it is proven that Judge William Wilkes, denied this motion in error also contained in the Court Record is state Attorney over this case Admitted that Judge Adrian Soud, entered a plea to the information sheet over the petitioner's objection. see pages 1-14, of the court record from 1-3-2012 the record of the court will prove this claim included to prove this claim also will be a copy of the Court Record from 2-7-2012, in Appendix D-i) needed also to prove the petitioner's, claim. see the motion to Compel Discovery was also filed and ruled on by Judge Brad Stetson, in which also requested in this motion was sworn state-ments from the material witnesses in this case a copy of the motion to compel/ discovery / sanction - is also included in Appendix D-i) of this writ of CERTIORARI - Appendix J will also include a copy of the Fraud on the Court motion filed by the petitioner once he found out that the state had no sworn statements in this case not even from the alleged victim. Appendix D-i) in this writ will also include the court record from 2/7/2012, pages 1-22, of the pretrial date of 2-7-2012, will prove this is the hearing on the petitioner's motion to compel discovery / sanction motion. That's the reason the petitioner, filed the Fraud on the Court motion on 5-7-2012, and it was denied by Duval County Lower Court Judge Brad Stetson, in error, Appendix D-i) will also include a copy of the charging information sheet it will prove that Assistant state Attorney Richard W. Mantie Bar #0119296 committed Fraud while working under Head State Attorney Angela B. Corey, because he swore under oath to institute the prosecution and legalize the charging information sheet that he had received sworn statements from the material witness-es in the case but it is proven he never did not even from the alleged victim.

so this state Attorney has committed Suborn Perjury and the lower court has upheld the Fraud for denying the Petitioner, the right to challenge the charging information sheet and also for not dismissing the illegal charging document in which the petitioner is illegally charged under Duval county case NO. 2010-CF-10746 this is a violation of FLORIDA RULES OF CRIMINAL PROCEDURE 3.140 (g), the Fraud on the court motion presented to Judge Brad Stetson, was denied in error, and in violation of the petitioner's 5th and 14th Amendment rights to Due process of law and the petitioner's request of de novo review.

- Questions Due to this issue -

Question #8 was Assistant state Attorney Richard W. Mantei, in error for lying under oath that he had received sworn statements from the material witnesses in this case in which was needed under FLORIDA RULES OF CRIMINAL PROCEDURE 3.140 (g) in order for the courts to charge the petitioner thru Jurisdiction of the charging Document when he knew truthfully he had not even received sworn testimony from the alleged victim when this is required thru Due process was this Fraud upon the court?

Question #9 By Adrian Francis Williams, proven that the listed Assistant state Attorney Richard W. Mantei, had committed Suborn Perjury and Fraud due to the filing of the charging information was the petitioner's motion to Dismiss supposed to be granted when heard in court on 5-7-2012 in Duval county courts?

Question #10 is it wrong for Government officials / prosecutors to lie under oath is that a violation of the constitution and that of a biblical violation and Suborn Perjury?

See State v Glover, 564 So.2d 191 (1990) Final order Procured by Fraudulent testimony against Defendant in criminal case deserves no protection and due process requires that Defendant be given every opportunity to expose fraud and obtain relief from it. U.S.C.A Const. Amends. 5th, 14th also see Booker v State 503 So.2d 888 (Fla. 1987)

* Suborn perjury is illegal and violation of Due process
PLEASE SEE NAPUE v PEOPLE OF THE STATE OF ILLINOIS, 360 U.S. 264, 79 S.Ct. 1173 (U.S. 1955)

See Trainor v Hernandez, 431 U.S. 434, 443 (1997) indeed, "state court has the solemn responsibility equally with the Federal courts to safeguard constitutional rights. See Tafflin v Levitt, this principle applies to claimed violations of constitutional as well as statutory rights.

see Jones v CUNNINGHAM, 371 U.S. 236, 243 (1963)

(habeas Corpus, "is not and has never been a static, narrow formalistic remedy; its scope has grown to achieve its grand purpose is the protection of individuals against erosion of their right to be free from wrongful restraints upon their liberty") see also Rohan ex rel. Gates v Woodford, 334 F.3d 803, 812-13, 819 (9th Cir) (Kozinski, J.) cert. denied 540 U.S. 1069 (2003)

see Catalan v Cockrell, 315 F.3d 491, 493 (5th Cir 2002)

Counsel's actions "present[ed] such a clear case of deficient performance and prejudice under Strickland that the Texas Court denial of relief... was an objectively unreasonable application of clearly established Federal Law."

see Goodman v Batrand, 467 F.3d at 1028-31 (state court unreasonably applied Strickland v Washington by "weighing each of trial counsel's errors individually" rather than considering "pattern of counsel's deficiencies... in their totality.")

see Cotto v Herbert, 331 F.3d at 237-38 (petitioner's state court brief "explicitly" advanced confrontation clause claim by referring to "the right to cross-examine" and "confrontational right")

Ground/Claim # 5

INEFFECTIVE ASSISTANCE OF APPEAL COUNSEL

Ground Three

The petitioner, now presents his ineffective assistance of counsel claim based upon his appeal attorney failing to raise the petitioner's 6th Amendment right to have a fair and speedy trial had been violated because on 12-22-2011 the petitioner's demand for speedy trial motion was filed with the clerk of Duval County courts. By that being the courts was supposed to hold a calendar call within five days of the motion being filed. If not have the petitioner, in trial no later than 50 days from the filing of the motion in which would have been February 9th, 2012 in the case of Adrian Francis Williams, by the petitioner never having an attorney on this case all the way from arraignment until trial all of his motions are deemed valid unless stricken. In which not one of the petitioner's motions were stricken from the record in this case therefore the time of the speedy trial motion started from the date it was filed with the Duval County Clerk, (see Appendix D) of this writ of cert is a copy of the demand for speedy trial motion it's self in which the prose petitioner filed with the Duval County courts.

By the prose, petitioner, Adrian Francis Williams, not being brought to trial the 50 days upon the filing of the demand for speedy trial motion under Fla.R. Crim.P. 3.191(b) the state was entitled to a 15 day window period under Fla.R. Crim.P. 3.191(c) in which would obligate the petitioner to file an notice of expiration motion within 5 days of the filing of this motion the clerk is supposed to hold a calendar call if not have the petitioner in trial no later than 15 days from the filing of the motion. In this case the prose petitioner's motion got filed with the clerk of the court on February 9th, 2012 in which was on the day of expiration.

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- So by FLORIDA Law it could be deemed premature. Based upon the same argument and violation of the initial Demand for Speedy trial motion filed 12-22-2012, the petitioner, filed another notice of expiration under Fla. R. Crim. P. 3.191 (P) in which got filed April 3rd, 2012 therefore the petitioner, gave the state well over a month and a half to fix their error ~~but~~ but they didn't they still ignored his 6th Amendment Right to a Fair and Speedy trial. See Appendix) in which contains also a copy of the new notice of expiration motion. In which the Duval county courts ignored in which proves a pure Manifest of INJUSTICE. Upon the courts not uphold Fla. R. Crim. P. 3.191 (b) Demand for Speedy trial and rule 3.191 (P) notice of expiration of speedy trial time. In which one copy of the motion will be included in Appendix) along with a copy of Fla. R. Crim. P. 3.191, to prove procedure default caused by the state. Under Fla. R. Crim. P. 3.191, if the person seeking a speedy trial is not brought in compliance with Fla. R. Crim. P. 3.191 (b) and 3.191 (P) the petitioner was supposed to file a motion to Discharge in which was done in this case in which a copy of the motion is also contained in Appendix) of in this writ of cert petitioner, based upon the hearing held on this motion the petitioner attended court on the following days to attend the hearing due to the filing of the motion to Discharge on the days of 4-19, 4-20, 4-21 and 4-26-2012, Duval county Lower court Judge Brad Stetson, denied the petitioner's motion to Discharge at the last day of the hearing on 4-26-2012, in error because the state stated that on 2-7-2012 the petitioner agreed to the court date of 5-7-2012, in which will be proven not to be true by the petitioner, for the court record contained in Appendix) where Duval county Lower court Judge Brad Stetson After he had Denied the petitioner's Speedy trial Discharge motion in error saying that the petitioner, had waived his Speedy trial Right in which the petitioner never waived to prove this on 5-7-2012 Judge Brad Stetson, came back and Asked the petitioner's to waive his Speedy trial Rights so he could hear the petitioner's motion Disqualify him this proves that the petitioner's 6th Amendment Right to the United States of America and Florida constitutions along with his 5th and 14th Amendment Rights to Due Process have been extremely violated for Florida rules of criminal procedures 3.191 and not providing the petitioner with his right to a Fair and Speedy trial. The Speedy trial rule encompassed by the constitution has been totally Denied to Adrian F. Williams, in which proves that his Rights under the Bill of Rights promised by the constitution have been totally violated.

Please note That the petitioner, thought the courts never filed his Speedy trial motions because they never acknowledged them. In which can't be held against the petitioner due to an calander call being held upon the filing of the motions/petitions like required by Due Process and the 6th Amendment under Florida rules of criminal Procedure 3.191 due to the filing of the Demand for Speedy trial motions. In which can't be held against the petitioner. Because the petitioner has no obligation to keep reminding the courts of his desire for a Speedy trial. Because the Demand for Speedy trial speaks for their self. By them filing the motions speaking of the Honorable courts they knew then of the petitioner's desire to enjoy a Fast and Speedy trial. It's not the petitioner's Fault that they Failed to follow Procedures.

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The speedy trial rule under the 6th Amendment is self executing under the 175 day rule of Fla. R. Crim. P. 3.191 Therefore a Demand for speedy trial is self executing on its face upon being filed to receive an earlier trial than the 175 day time limit prescribed by Fla. R. Crim. P. 3.191 Therefore based upon the 6th Amendment and Fla. R. Crim. P. 3.191 (b) a Defendant has a right to request a fast and speedy trial. Therefore by the self executing motion being filed by the clerks of Duval county courts in compliance with Fla. R. Crim. P. 3.191 (b) and (D) the Duval county court was obligated to bring petitioner, Adrian Francis Williams, to trial in the time prescribed being that he had been prose, thru his entire case and if he choose to enjoy a speedy trial it was no one's choice but his. No one knew if he was ready but him in proper person, so for someone to try and determine that would be pure speculation.

The other facts that the petitioner Adrian Francis Williams, points out in this Federal writ of Cert Petition is that once Judge Brad Stetson, denied the petitioner's motion for discharge in Error on 4-26-2012, he come back on 5-7-2012 and asked the petitioner to waive his speedy trial rights to be able to appeal the court's decision based upon the petitioner filing a motion to Disqualify him. In which proves a pure manifest of Injustice and an Abuse of Discretion contained in Appendix D) of this Petition, includes a copy of the Court record from 2-7-2012 to prove that the petitioner never agreed of a waiver of speedy trial because if that was true Judge Brad Stetson, would have never come back on 5-7-2012, after he denied the motion for Discharge submitted by the petitioner for the speedy trial rights violation. If the petitioner would have waived his speedy trial rights. On 5-7-2012 Judge Brad Stetson would have never asked him to waive them on 5-7-2012, to be able to appeal the decision based upon the denial of his motion to disqualify him from being the Judge over this case because he showed bias-ness to the petitioner, Adrian Francis Williams.

The petitioner now presents from the Court Record contained in Appendix D) of this writ of Cert a copy of the Court Record from the Court date of 2-7-2012 and Appendix D) of the Court Record from 5-7-2012 to be able to prove his claims that relief is warranted for the constitutional right violations. See Appendix D) from 2-7-2012, starting at pages 23-25 of the pretrial record starting at lines 22-25.

The Court: "that would be the week of the 23rd?"

Mr. Forbes: "that is correct and that is fine with the state, your honor, and a pretrial the week before that get us..."

The Court: "well actually April 30th we are yielding our court room to Judge Arnold. So do you want to set it for April 24th?"

Mr. Forbes: "yes sir, for trial and it would be the 19th of April for final pretrial. The state will be prepared those weeks, but also, we won't have any issue with the month of May with the court house moving."

The Court: "what is the speedy trial date?"

Mr. Forbes: "May 21st, 2012"

The Court: "the final pretrial would be what?"

Mr. Forbes: "April 19th,"

Continuation of Facts from pretrial court Record from 2-7-2012
to prove the petitioner, never waived his speedy trial rights

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The clerk: "April 19th,"

The court: "is that right? Please see page 25 of Appendix D)"

The clerk: "that's correct."

The court: "okay, did you want to be heard about the trial date?"

The Defendant: "I am alright I want to know if I can get a copy of the or
The court: I can't understand what you just said."

The Defendant: "can I have a copy of the court order for the law library?"

The court: "we will give you that, anything else?"

Mr. Forbes: "nothing further from the state, your honor."

The court: "alright, thank you, you can take the defendant back."

Please Note: That in the case of Adrian Francis Williams, the Judge never even really
focused on the court date of May 7th, 2012 - The Judge Brad Stetson, only asked
the petitioner if he wanted to be heard about the trial date of May 21st, 2012 so how
did the petitioner agree to a date that the Judge never asked him about where it
was also proven that the petitioner told the Judge also that he was alright about being
heard about the date which means he didn't want to talk about it was this error?
Then it is proven by the court record that the petitioner never agreed nor stipulated
to a court date of 5-7-2012.

The petitioner now comes forth with his proof from the court record from the court date
of 5-7-2012 to prove that once Judge Brad Stetson, denied the petitioner's motion
to discharge in error, he came back and asked the petitioner to waive his right to
the speedy trial to be able to appeal his denial based upon the petitioner's motion
to disqualify him. In which proves the 6th Amendment violation. (see Appendix D)

See page 3 of the trial record which is contained in Appendix D) This is the reading
off of the court record from May 7th, 2012 in Judge Brad Stetson's court room with
Assistant State Attorney / prosecutor Mr. Forbes Jr, as state Attorney it reads in
the proper contents as followed at line 16;

The court: "Alright. Now let me ask you this Mr. Williams, you're set for trial
for today and we'll go ahead and pick a jury and try your case this week, if
that's what you want to do. on the other hand, if you want to appeal my denial
of your motion to disqualify trial Judge, then you would have to waive speedy
trial and we would pass the trial some date in the future. which way do you
want to proceed, sir?"

The Defendant: "I don't - I - I don't, please turn to page 4 of the pretrial
record from the court date of 5-7-2012 in this writ of cert to continue
which continues after I don't want to waive my right, but I want to
appeal the decision because I don't feel like I'm getting treated fairly
in this court room."

The court: "Okay, well you just need to decide sir. So you want to waive
speedy trial and have me pass your trial so that you can appeal or do you want
to go to trial now?"

The defendant: "I guess Judge, if I've got to waive my right to go ahead,
I'll go ahead and go to trial."

The Court: "I'm Sorry?"

The Defendant: "If I've got to Waive my right to proceed... I'd rather not have you as the Judge on my case, but if I've got to waive my right Now, I'm going to go ahead and pick a Jury today?"

The Court: "You're going to go ahead and pick a Jury today?"

The defendant: "If I've got to waive my rights to speedy trial."

My rights have already been violated any way by Judge Stetson.

For Denying my Motion of Discharge on 4-26-2012 in error and in violation of my Demand for Speedy trial motion in Appendix D) of this writ of cert again will be a copy of the pretrial Record from 5-7-2012, in which proves that Judge Stetson knew he again was in violation when he came back on 5-7-2012 and tried to get the petitioner to waive his speedy trial rights the same rights that he denied the petitioner's motion to Discharge the information upon that's proven violation of the petitioner's 6th Amendment Right to a fair and speedy trial along with violations of his 5th and 14th Amendment Rights to Due Process of Law promised by the United States of America and FLORIDA constitutions.

Questions Due to this issue

Question #11 was the 11th Circuit Court of Appeals in error for Denying Adrian F. Williams Discharge of the charging information in this case at hand for the violation of his Speedy trial Rights Due to the Demand for Speedy trial Rights being violated when they know that once the Duval County Lower Court Denied the motion for Discharge in error that the petitioner had waived his Speedy trial Rights on 4-26-2012 to Lower Court in Duval County Judge came back and asked the petitioner to waive his Speedy trial Rights for the Judge Brad Stetson, to hear his motion to Disqualify in which proves the petitioner never waived his Speedy trial Rights was this an Manifest of Injustice?

Question #12 was the Honorable 11th Circuit Court of Appeals in error for Denying Discharge of the charging information Due to the Speedy trial Demand under FLORIDA Rules of Criminal Procedure 3.191 (b) encompassed by the 6th Amendment of the United States of America and FLORIDA's constitution where the 11th circuit ruled in error that they couldn't rule upon this issue because it was only raised under state Law when that's not true because it was presented also under the form of the petitioner's 6th Amendment Right and his 5th and 14th Amendment Rights promised by the Bill of Rights to the Constitution of the United States of America and FLORIDA constitutions was this error of Law?

Please see Conaway v Polk, 453 F.3d 567, 585 (4th Cir 2006);

Sandgate v Maass, 314 F.3d 371, 376-377 (9th Cir 2002)

(Federal habeas corpus, review is available despite petitioner's, failure to frame a claim in Federal constitutional terms in state court because state court expressly included Federal constitutional claim in its ruling.

* please note that the petitioner was prose, all the way from pre trial thru trial

See Supreme Court of the United States Robert D. Dickey v State of Florida 398 U.S. 30, 26 L. ed 2d 26 prosecutions of case, as is the Defendant right the time to meet is when the case is fresh U.S.C.A. Amendment 6. State claims are not favored by the law and far less so in criminal cases. U.S.C.A. constitution right to a prompt inquiry into criminal charges fundamental and duty on felony charging authority is to provide a prompt trial. U.S.C.A. Const. Amend. 6. within the context of the 6th Amendment rights the Defendant generally does not have to show that he was prejudiced by the denial of counsel, confrontation, public trial and impartial jury, knowledge of the charges against him, tried in the district where crime was committed or compulsory process. > (Fn 19) because potential substantial & 398 U.S. 552 prejudice inheres in the denial of any of these safeguards, prejudice is usually assumed when any of them is shown to have been denied. see Chapman v California, 386 U.S. 18, 87 S. Ct. 824, 17 L. ed 2d 705 (1967) when the 6th Amendment right to speedy trial is at stake, it may be equally realistic and necessary to assume prejudice once the accused shows that he was denied a rapid prosecution > (Fn 17). It has been held that neglect delay violates the speedy trial clause, Honahan v United States, 121 U.S. App. D.C. 134, 139, 348 F. 2d 363, 368, (1968); United States v Reed, 285 F. Supp. 778, 741 (D. Cal. 1968) > (Fn 20) we have indicated that or there are some constitutional rights (such as assistance of counsel during trial) so basic to a fair trial that their infraction can never be treated as harmless error. Chapman, supra, at 23, 87 S. Ct. at 827.

See Florida Rules of Court / Fla. R. Crim. P. 3.191 in which Duval County Lower Court Judge Bead Stetson and Assistant State Attorney R. Forbes Jr. have violated see Fla. R. Crim. P. 3.191 DEMAND for speedy trial 3.191 (b) speedy trial upon DEMAND except as otherwise provided by this rule and subject to the limitations imposed under subdivisions (c) and (d), every person charged with a crime by indictment or information shall have the right to demand a trial within 60 days of filing with the court a separate pleading entitled "Demand for Speedy Trial" and serving a copy on prosecuting authority.

Florida Rules of Criminal Procedure 3.191 Due to the filing of an Demand for speedy trial - under the 6th Amendment to the United States and Florida Constitution.

- 1) No later than 5 Days from the filing of a Demand for speedy trial, the court shall hold a calendar call, with notice to all parties for the purposes of announcing in open court receipt of the demand of setting the case for trial.
- 2) At the calendar call the court shall set the case for trial to commence at a date no less than 5 days or more than 45 days from the date of the calendar call.
- 3) The failure of the court to hold a calendar call on a demand that has been properly filed and served shall not interrupt the running of any time periods under this subdivision.

Starting with continuation of FLORIDA RULES of criminal procedures

3.191 to PROVE SPEEDY Trial Rights violation

- 4) IF the defendant has not been brought to trial within 50 days of the filing of the demand, the defendant shall have the right to the appropriate remedy as set forth in subdivision (P) Remedy For Failure to try defendant within the specified time:
- 2) No remedy shall be granted to any defendant under the rule until the court has made the required inquiry under ~~subdivision (J), 2)~~ subdivision (J), 2) At any time after the expiration of the prescribed time period, the defendant may file a separate pleading entitled "Notice of expiration of speedy trial time" and serve a copy the pleading on the prosecuting authority.
- 3) No later than 5 days from the date of the filing of a notice of expiration of speedy trial time the court shall hold a hearing on the notice and unless the court finds that one of the reasons set forth in subdivision (J) brought to trial within 10 days. A defendant not brought to trial within 10 day period through no fault of the defendant on motion of the Defendant or the court shall be forever be discharged from the crime.

Silence alone on the part of a defendant or his counsel at a proceeding at which a trial date is set beyond the speedy trial period is not a waiver. See under Moore v Johnson, 651 So. 2d 760 (Fla. 1st DCA 1995); Alfrey v State, 435 So. 2d 971 (Fla. 3rd DCA 1983) An extension or waiver of the speedy trial period must be in writing, signed by proper person or counsel, or be "upon stipulation announced to the court" under rule 3.191(d)(2). State v Swint, 464 So. 2d 242, 243 (Fla. 2nd DCA 1985), see also Pouncy v State, 269 So. 2d 625, 627 (Fla. 2nd DCA 1974)

- The supreme court has repeatedly held that the prosecutor and the court have an affirmative constitutional obligation to try the defendant in a timely manner and that this duty requires a good faith, diligent effort to bring him to trial quickly. See Moore v Arizona, 414 U.S. 25, 26 94 S.Ct. 188, 393 L.Ed. 2d 183 (1973) (stating that courts should inquire whether the state "discharged" its "constitutional duty to make a diligent, good faith effort to bring [the defendant to trial]" (quoting Smith v Hovey, 393 U.S. 374, 384, 89 S.Ct. 575, 21 L.Ed. 607 (1969)); Dickey v Florida, 389 U.S. 30, 38, 90 S.Ct. 1564, 26 L.Ed. 2d 26 (1970) ("The right to a prompt inquiry into criminal charges is fundamental and the duty of the charging authority is to provide a prompt trial.")

See Barker v Wingo, 407 U.S. 514, 33 L. Ed. 2d 101, any inquiry into claim of denial of speedy trial necessitates functional analysis of the right in the particular context of the case as the right of speedy trial is necessarily relative. U.S.C.A. constitutional Amendment 6. Dismissal of the indictment upon denial of right to speedy trial is the only possible remedy for such denial U.S.C.A. constitutional Amendment 6. State has duty to bring Defendant to trial as well as duty of insuring that the trial is consistent with Due Process.

The petitioner states by him being pro se, all the way from pretrial all the way thru trial in this case only he could have determined when he was READY for trial not any one else nor the filing of any motions at a later time after the petitioner had requested a Demand for speedy trial. NO one could determine if the petitioner was ready for trial but the petitioner himself Adrian Francis Williams, for anyone else to try to determine that would create a moot argument where this Argument was raised by the state against the petitioner.

Attorney John B. Kelly III, out of Woodsville, Florida was ineffective in violation of the 6th Amendment, Governed by Due Process for this Attorney failing to raise this issue in the Petitioner, Adrian Francis Williams, direct Appeal brief in which proves a manifest of INJUSTICE therefore the First District Court of Appeal of Tallahassee, FL should it have denied this claim on its merits because this is a proven constitutional violation embedded in the Bill of Rights in which is an guarantee to citizens in the United States of America.

See Wiggins v Smith, 539 U.S. at 528, (State Court's partial reliance on an erroneous factual finding produced unreasonable state court decision)

See Ashley v State, 642 So.2d 837, 838 (Fla DCA 1994) (Fn3) Counsel cannot "sandbag" trial Judge by requesting and approving [something] they know... will result in an automatic reversal, if given Rosen v State, 940 So.2d 1155, 1161 (Fla. 5th DCA 2006) quoting Weber v State, 602 So.2d 1316, 1319 (Fla 5th DCA 1992)

See Brewner v Williams, 430 U.S. 387, 397-98, 98, 97 S.Ct. 1232, 1238-39, 51 L.Ed. 2d 424 (1977) (every reasonable presumption against waiver must be indulged by a reviewing court) United States v Satterfield, 558 F.2d 655 (2nd Cir 1976), United States v Monabin, 624 F.2d 1140, 1146 (2nd Cir 1980) it is held at the Federal level that "Waiver" of the 6th Amendment rights must be measured by a "higher standard" than waivers of the 5th Amendment rights.

See e.g. King v State, 485 So.2d 877, 878 "Failure to raise a speedy trial claim can constitute Ineffective Assistance of counsel."

See Trainor v Hernandez, 431 U.S. 434, 443 (1997) indeed "State courts have the solemn responsibility equally with the Federal courts to safeguard Constitutional rights. see Tafflin v Levitt, this principle applies to claimed violations of constitutional as well as statutory rights.

See Stone v. Powell, 428 U.S. 465, 477 (1976) habeas corpus requires "full reconsideration of... constitutional claims."

See Brecht v Abrahamson, 507 U.S. 619, 635 (1993) ("In criminal trials [the states] hold the initial responsibility for vindicating constitutional rights," (quoting Engle v Isaac, 456 U.S. 107, 128 (1982))

see e.g. Johnson v Mississippi, 486 U.S. 578 (1988)

(discussed infra notes 82-83 and accompany text); Yates v Aiken, 484 U.S. 211 (1988) (state postconviction courts implicitly faulted for failure to provide remedy for constitutional violations identified in United States Supreme Court decisions).

see Milton v Miller, 744 F.3d 660, 670 (10th Cir 2014),

(state court or truncated strickland's first prong "by classifying appellate counsel's failure to recognize or raise claim as categorically insufficient to establish ineffective assistance, thereby, "ignoring the merits of the underlying predicate claim in assessing appellate counsel's performance" and/or unnecessarily rendering meaningless any accompanying prejudice analysis."

Ground / Claim #6 in This Writ of cert

IN THE PETITIONERS 2254 HABEAS CORPUS, Based upon His other constitutional rights being violated based upon the petitioner being in state custody since 2007 AND A WARRANT BEING ISSUED FOR HIS ARREST WHILE HE WAS STILL IN STATE CUSTODY. Once the charging document was filed with the clerk the prosecution commenced on 9-23-2010. The Duval County Courts waited until November of 2011. IN WHICH IS A VIOLATION OF FLA.R. CRIM.P. 3.191 WAY OVER A YEAR PASSING - Based upon the filing of the charging information AND THE PETITIONER BEING BROUGHT BACK FROM PRISON TO FACE CHARGES VIOLATED THE PETITIONER'S SPEEDY TRIAL RIGHTS. Therefore the Petitioner Adrian Francis-Williams, Appellate Attorney John B. Kelly III, was ineffective under the Strickland prongs for failing to raise this on the Petitioner's Direct Appeal Because the Petitioner, has a right under the 6th Amendment to be brought to trial in 175 or 180 days after commencement of the prosecution

The Petitioner Adrian Francis Williams's direct Appellate Attorney John B. Kelly, WAS INEFFECTIVE FOR FAILING TO RAISE ON THE PETITIONER'S DIRECT APPEAL THE ARGUMENT ON THE PETITIONER'S MOTION TO VACATE AND SET ASIDE JUDGEMENT BASED ON VIOLATION OF FLA.R. CRIM.P. 3.191 AND THE DEFENDANT'S DUE PROCESS RIGHTS, this motion was filed with the Duval County Clerk of Court on 10/4/2012. Judge Brad Stetson, denied it on 10/30/2012 the motion to vacate and set aside judgement motion itself, based on the fact that the Petitioner's 6th Amendment right to a fair and speedy trial being violated based on the filing of the Petitioner's charging information being filed on 9/23/2010 and the Petitioner, not being brought in to custody until November of 2011. Over a year after they filed the charging information. The Petitioner was already in state custody serving a prison sentence. The Duval County Courts knew where the Petitioner, was and could have had him in court in compliance with the 6th Amendment and FLA.R. CRIM.P. 3.191. The Petitioner's speedy trial started running upon the state's filing of the charging information. A COPY OF THE SPEEDY TRIAL RIGHTS MOTION TO VACATE IS LOCATED IN APPENDIX D)

Questions Due to this issue

Question #13 Did the petitioner's speedy trial rights start running from the filing of the charging information like stated by clearly established Federal Law and also by the facts that the petitioner was already in state custody because if so should his motion to vacate and set aside judgement have been granted due to the 6th Amendment and due process violation?

Question #14 Was the 11th circuit court in error for failing to entertain both of the petitioner's 6th Amendment speedy trial rights violations by stating they were only raised under state law which isn't true because they were raised under also the violations of Adrian Francis Williams's, Constitutional Rights?

Question #15 By the Petitioner, already being in state custody and the state knowing where the petitioner is at and having Jurisdiction over him were they in error for not bringing him to court for the alleged crimes that he didn't commit before his speedy trial time had run out many times of 175 or 180 days?

See Robert D. Dickey v State, 398 U.S. 30, 26 L. Ed 2d 26 Against the background of the purpose of the speedy trial safeguard. I turn to the question of when during the criminal prosecution has many stages and a delay may occur during or between any of them. It may take place at the beginning of the process, between the time in which the government decides to prosecute a man has sufficient evidence to proceed against him and the actual time of his arrest or indictment or it may occur; for instance, between arrest or indictment during trial or between trial and sentencing. Authorities agree that delay between indictment and trial is subject to the speedy trial safeguard; Lucia v United States, 363 F.2d 500, 502 (C.A. 9th Cir 1966) By the Petitioner Adrian Francis Williams, being incarcerated since 2007 and never leaving the state's custody, the Defendant was available to the Duval County Court's in accordance with his speedy trial rights of 180 days upon the warrant being issued for his arrest and the charging information being filed 9/23/2010. The speedy trial time started to run upon the filing of the charging information. The Defendant wasn't brought into custody of the Duval County Courts were without Jurisdiction to try the Defendant.

See F.S.A. § 755.15 time limitations, West Florida Statutes Annotated XLVI C chapter 775 - 899) chapter 775, which states the prosecution is commenced when the information is filed with the clerk of the court in this case it was filed 9/23/2010. So by the petitioner Adrian Francis Williams, already being in custody, his speedy trial time started to run from the time of the charging information being filed and the warrant being issued. which extremely violated it was officials letting one year pass while the petitioner was in custody to advise him of the charges pending against him.

See Fla. L. Weekly, D1032, Barrett v State, (Fla. 1st DCA 2012), which states, if the speedy trial time starts to run upon being taken into custody. And it also states that when the state fail to file charges within the speedy trial periods, the state is not entitled to the recapture window set forth in the subsection of speedy trial rule that requires court to conduct a hearing after a Defendant files notice of the expiration of speedy trial time and requires the court to try the Defendant within ten days. > U.S.C.A. 6

> West's Florida statutes Annotated, Fla. R. Crim. P. 3.191.

It also states that upon being arrested Defendant has no obligation under the speedy trial rule to further assert his right to trial unless he first waives his right.

> U.S.C.A. 6 > West's Florida statutes Annotated, Fla. R. Crim. P. 3.191

The courts have held that the speedy trial time period for all crimes arising out of the same criminal conduct or episode commences from the date the Defendant is taken into custody, even for crimes not charged in the information filed by the state.

See Reed v State, 649 So.2d 227 (Fla. 1995); State v Hanna, 858 So.2d 1248 (Fla 5th DCA 2003); Walker v State, 390 So.2d 411 (Fla. 4th DCA 1980);

DeLoach v State, 338 So.2d 1141 (Fla 1st DCA 1976); Clark v State, 318 So.2d 513 (Fla 4th DCA 1975); Buck v Washington, 713 So.2d 988 (Fla. 1998)

See Supreme Court of the United States Rockey Moore v State of Florida, an affirmative demonstration of prejudice is not the sole determination of denial of constitutional right to a speedy trial, sole determination of denial of constitutional right to a speedy trial, in addition to possible prejudice; a court must carefully weight the reason for the delay in bringing an incarcerated Defendant to trial. > U.S.C.A. 6th and 14th Amendment
prejudice of Defendant caused by delay in bringing him to trial is not confined to the possible prejudice to his defense in those proceedings. > U.S.C.A. 6th and 14th Amendment:

Although effects on a Defendant because inordinate delay in bringing him to trial such as disruption of employment drain of financial resources, curtailment of his associations and anxiety on part of his family, may be quite different weight where Defendant is incarcerated after conviction in another state, no court should overlook the possible impact that pending charges might have on his prospects for parole and meaningful rehabilitation. > U.S.C.A. 6th and 14th Amendment.

Sixth Amendment to Federal Constitution providing that in all criminal prosecution the accused shall enjoy right to assistance of counsel for his defense is made obligatory on the state by the 14th Amendment and indigent Defendant in criminal prosecution in state court has right to have counsel appointed for him.

Betts v Brady, 316 U.S. 455, 62 S. Ct. 1252, overruled U.S.C.A. 6th and 14th Amendments.

(PENALTY OF PERJURY)

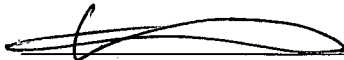
I Adrian Francis Williams, can, read, write and understand English & therefore
Declare under the penalty of perjury that all stated in this writ of cert
is true

CONCLUSION

The petition for a writ of certiorari should be granted.

The petitioner's writ of certiorari is presented in good faith

Respectfully submitted,



Date: Aug 16th