

19-6360 ORIGINAL

1b18-523

Supreme Court, U.S.
FILED

AUG 20 2019

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

GEORGE CHRISTOPHER PUGH — PETITIONER
(Your Name)

vs.

STATE OF FLORIDA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

FIRST DISTRICT COURT OF APPEAL STATE OF FLORIDA
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

GEORGE CHRISTOPHER PUGH
(Your Name)

5964 US HWY 90
(Address)

LIVE OAK, FL 32060
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

Is it lawful for the Petitioner to be deemed an Habitual felony offend whereas the Petitioner was one day outside of the 5 years of date of conviction of his prior felony or other qualified offense, whereas the statute clearly states "within" the 5 years?

Does the inclusion of the term "Within" in § 775.084(c)(2)b Florida Statutes as it pertains to the calculation of time for determining habitual felony offender qualification, necessitate counting the actual day in which Petitioner is released from prison to ensure that a defendant who commits a qualifying offense on that same day is subject to habitual felony offender sanctions.

(Both questions stand on JEFFRIES v. STATE 610 So.2d 440 (Fla. 1992) as binding precedent)

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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OTHER

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

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

OPINIONS BELOW

[] For cases from **federal courts**:

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

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[] is unpublished.

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

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[] is unpublished.

For cases from **state courts**:
NONE

The opinion of the highest state court to review the merits appears at Appendix None to the petition and is

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

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

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

JURISDICTION

[] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

[] No petition for rehearing was timely filed in my case.

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

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___ A _____.

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

For cases from **state courts**:

The date on which the highest state court decided my case was JUNE 4, 2019. A copy of that decision appears at Appendix A.

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

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___ A _____.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

§ 775.084 (1)(a)(2)b, Fla. Stat

Article I, section 9 > Florida Constitution

Article II, section 3

Florida R. Jud. Admin. 2.514 (a)

STATEMENT OF THE CASE

The Petitioner proceeded to a Jury trial in the fourth (4th) Judicial Circuit Court in and for Duval Florida.

The charge was sale or delivery of Cocaine which was a 2nd degree felony

The Petitioner proceeded to trial and was found guilty.

The STATE erroneously sought habitual felony offender.

The Petitioner was sentenced to twenty-five (25) years, Department of Corrections

REASONS FOR GRANTING THE PETITION

This petition should be granted to cure a question of great concerns that the courts have been in conflict with for too long, when computing the time period within the 3 years time frame for the Habitual offender statute. Fla. R. Jud. Admin 2-514. - § 775.084 (1)(a)(2)b

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

George Christopher Peugh

Date: August 20th 2019