

19-6575

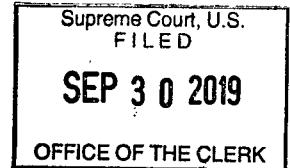
No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

Dorothy Williams Elliott — PETITIONER
(Your Name)

The State of Florida vs.
— RESPONDENT(S)



Fla Third District Court of Appeal, Case # 3D18-2204
And
Supreme Court of Florida, Case # SC 19-1291

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Dorothy Williams Elliott
(Your Name)

10815 SW 141 Lane

(Address)

Miami, Florida 33176

(City, State, Zip Code)

305-910-6885

(Phone Number)

QUESTION(S)
PRESENTED

1. On March 11, 2010; at the Felony Sounding Hearing. The State of Florida was ready, and made the "OFFER." Why wasn't Attorney Robert L. White, prepared for this "OFFER," not ready, and did not know the States Offer before this hearing?
2. Considering Attorney Robert L. White, did not know "The OFFer," why was this case still past by the COURT to continue at this Felony Sounding Hearing? When the Attorney was not prepared, or ready."
3. During the Felony Sounding hearing case being heard at this time, I became more confused about all "three Counts of charges," I needed clarity concerning "PROBATION," why did Attorney Robert L. Vyhite tell me, "there's no probation?"
4. I Defendant, still did not understand in comprehending the "Probation-Process." And still wanted to know? Why did the "COURT" tell me "that's just a technicalities, something that we do?"

Why has "The Courts," Kept this CASE CLOSED?

(3-11-2010)

THIS FELONY SOUNDING
HEARING

Transcript Recorded

5. Withhold Adjudication, one day non-reporting Probation; why did the COURT, allowed Attorney Robert L. White to tell me "he will assist me to expunge this Misdemeanor charge on misuse of emergency communication 911 calls?
6. Why did Attorney Robert L. White, allow (Dorothy W. Elliott) defendant to enter into "A Guilty-Plea" being positively reassured that he will assist me in expunging this RECORD ? Why was I not "Effectively Counselled"?
7. Why did the COURT, agreed with the Attorney, that the Attorney will assist me with that process of expunging, on a with-hold of Adjudication probation charge ?
8. Why was I being misled that when the State dismisses two of the charges, I will only have one remaining, and the Attorney will get that charge expunged ?
9. Why wasn't the Attorney honest with Defendant (Dorothy Elliott) that charge could not be expunged before "A Guilty Plea" was entered ? And Why didn't Attorney explain to me what is a "With-hold of Adjudication with Probation 1 Day ?

(10)

10. Why was I defendant (Dorothy W. Elliott) led to believe that I was being "EFFECTIVELY COUNSELED" by Attorney Robert L. White to expunge a guilty-plea on a post-conviction?
11. Why did the COURT tell Defendant "GOOD LUCK" on trying to get that "With hold of Adjudication and One day of non-reporting probation Expunged?
12. Why did the "COURT" tell Defendant (Dorothy W. Elliott) that I have been represented by competent and effective assistance of Counsel?
13. Why didn't the STATE intervene to clarify "Expunging A with-hold Adjudication + Probation charge on Count 2, misuse of 911 emergency communications calls?
Since both Attorney and Judge }
being in agreement that it will be }
EXPUNGED.
14. Defendant (Dorothy W. Elliott) has been misled, and not counseled effectively, Why?
When I needed "HELP," I was arrested for calling emergency 911, put in Jail, Why?

15. Why did the Court allowed Hand-Written orders of Supervision to be in Conflict, and not Consistent with the STATE Offer; as recorded/reported on the OFFICIAL Transcript in Miami-Dade County, FL Criminal Court Division on 3/11/2010; on Counts of Charges ?
16. While still in the Judges Court Room, I Defendant, Dorothy W. Elliott presented this altered already Signed by Judge (Orders of Supervision Form), to Attorney Robert White. Why did he rudely laughed out to me, stating "Your case is CLOSED, and there is nothing else for me to do?" { He walked away very confident and proudly, and kept laughing. }
17. But during "Felony Sounding Hearing" prior to accepting this guilty-Plea of no contest. Why did the COURT, further encouraged Defendant Dorothy Elliott, by stating "he's going to help you. He is going above and beyond the call of duty, and help you with that of expunging?"

Why did the "Criminal Court," led me to believe, that the attorney will expunge my record on a guilty plea ?

(12)

Why didn't attorney Listen to Recording CD of evidence in this Case before judgement was entered ?
18. Why Robert L. White, Public Defender for Miami-Dade County, Fla. Did not effectively Counsel Defendant (Dorothy W. Elliott), jeopardizing my entire Registered Nursing Career ?

After the Felony Sounding Hearing, and case was closed. Why did Attorney Robert L. White still inside the Court room of Judge Antonio Arzola on 3/11/2010 commented to me Defendant Dorothy Elliott, stating, "I did not listen to any 911 emergency CD that was given to me, and when you pleaded "Guilty" I did not have to listen to that CD at all, your case is CLOSED?"

19. Why did he wait until this case was closed to tell me this ?
{ He did not Listen to any 911 emergency CD }

20. I'm not a "Criminal", never an arrest record in my entire Life, until 8/30/2008. my Life was in DANGER, I called 911 For help and was Arrested, Why ?

21. And Why has this "CASE" been repeatedly denied for rehearing to Vacate Judgement and Sentence in seeking Post conviction Relief ?

(13)

22. Why did Attorney Robert L. White ignored "Altered Orders of Hand-Written Supervision Form, already signed by Judge Antonio Arzola, when it was brought to his attention of discrepancy(s) ?

and
also written orders of supervision is not consistent with Miami-Dade County 11th Judicial Criminal Division Transcript Recordings. Pertaining to this "Document."

(SEE Attached Orders of Supervision)

* Date of Transcript Recordings
March 11th, 2010. Time: 9:56 AM
1350 Northwest 12th Street
Miami, Fla 33125

23. Before the guilty-Plea of charges were entered why didn't Robert White, Attorney let Defendant know that this record, could not be expunged. A SEAL only, and must remained SEAL FOR 10 years?

24. Why didn't Attorney "Listen" to 911 CDR CALLS ? And why did he not know the State Offer or prepared at the Felony Sounding Hearing, but continued with this case in allowing Defendant to accept A Guilty-Plea... Oh Evidence ? Not Listen to.

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LIST OF PARTIES

All parties appear in the caption of the case on the cover page. { See or refer to page # 1 }

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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TABLE OF CONTENTS

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INDEX TO APPENDICES

on 7-31-2019

(Case Dismissed

without Opinion or
Explanation

APPENDIX A Fla Supreme Court decision (Case Dismissed without Opinion or Explanation)

APPENDIX B Third District Court of Appeal (Denied Rehearing) on 7-2-2019

APPENDIX C { 11th Judicial Circuit Trial Court Order
APPENDIX D { Denying Elliott's successful post-conviction motion
relief (Lower Tribunal Court) continually
Denied rehearings. Blocked, and has
remained "BLOCKED," since March 11, 2010
in Tribunal Criminal Court, Case No.
F08032079

APPENDIX F

Lower Tribunal F-08032079, 3DCA ^{FL} 3D18-2204, FL Supreme Court ^{SC} 19-1291

To APPEAL
Outcome of Hearing Court Cases,
None Granted,
"To Be Heard."
"Dismissed or either Denied"

TABLE OF AUTHORITIES CITED

CASES	(Felony Sounding Hearing)	PAGE NUMBER
Elliott v State of Florida, F-OB-32079, Miami-Dade County 11 th Judicial Circuit Criminal Court, Judgement entered	March 11, 2010	14, 15
Elliott v The Third District Court Appeals of FL Miami-Dade County FL Judgement + 3DCA Case No. 3D18-2204 Entered	July 2nd, 2019	37
Elliott v Fla Supreme Court, Case No. SC19-1291	Judgement Entered July 31, 2019	38

The Statutes of
United States Supreme Court Rules

STATUTES AND RULES

- Rule 39 (Proceedings in Forma Pauperis) Motion to Proceed
- Rule 33 (Document Preparation) Prepared/presented as required
- Rule 33.1, Rule 33.2, Rule 34
- Rule 29 Proof of Certificate(s) of Service, in the 29.5 delivery or mail served on opposing parties.
- Rule 14 (Petition for a writ of Certiorari)
- Rule 29.2 (Return Mail by Court Clerk to correct error of deficiencies)
- Rule 14.1 (Certified to State Attorney General, {Constitutionality of a Statute of a State})
- Rule 34.6 Reduction of Personal Information.
- Rule 34 Cover Page

OTHER

- Rules 13.1 and 13.3 (The Time for filing) A timely filed Petition for Rehearing
- Rule 30 (computation, Extension of time)
- Rules 10-14 (Petitioning for Certiorari)
- Rule 39 What To File
- Rule 12.6 List of Parties
- Rules 33.1(c) and Rule 33.1(g)(xi) the limitations on words or number of pages.

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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**: *Non-applicable (N/A)*

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**:

Date Entered: July 31, 2019 The opinion of the highest state court to review the merits appears at Appendix **A** to the petition and is *SC 19-1291, Case #*

reported at *Supreme Court of Florida - Case Dismissed*
 has been designated for publication but is not yet reported; or,
 is unpublished.

In the Third District Court of Appeal

Date Entered: July 2, 2019 The opinion of the of Florida, case # 3D18-2204 court appears at Appendix **B** to the petition and is *case: Denied For rehearing*
 reported at *3rd DCA off 9*
 has been designated for publication but is not yet reported; or,
 is unpublished.

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JURISDICTION

[] For cases from **federal courts**: *Non applicable (N/A)*

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**:

Fla Supreme Court, SC 19-1291

The date on which the highest state court decided my case was July 31, 2019. A copy of that decision appears at Appendix A. (*Case Dismissed*)

A timely petition for rehearing was thereafter denied on the following date: July 2, 2019, and a copy of the order denying rehearing appears at Appendix B. (*Hearing Denied*) *case No. 3DCA 3D18-2204*

3rd District Court of Appeals State of FL [] 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 *(None requested)*

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

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CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Review Appendix to the Petition
OF provisions; on page 17
Associated to "Index to Appendices

Appendix A - C

Appendix A Fla Supreme Court Rules

Appendix B The Third District Court of
Fla Appeal Rules

Appendix C

The 11th Judicial Circuit
Court, Criminal Division
OF Miami-Dade County
Fla.

The Constitutional provisions, treaties,
Statutes, Ordinances, and regulations
involved in the Case.

STATEMENT OF THE CASE

My life was in "DANGER," when I called 911 emergency for help. I did nothing wrong but was arrested by arriving Miami-Dade County Police Officer(s). Upon arrival, the Police Officers arrested me, and said; "YOU called 911 too many times, and YOU are going to jail!"

I Dorothy Williams Elliott, was arrested on August 30, 2008 at night during the pm hours for calling emergency 911 for help. Home alone, someone had entered my home while I was taking a shower. From the sounds of the foot steps, it appeared to be more than one person.

Prior to them entering the water had suddenly gone off while I was taking a shower, then the lights. I panic, in the pitch black-ness. (I couldn't see, no water, and no lights) Home alone, scared, afraid, and feared for the safeness of my "Life."

I'm a widow, they wrongfully entered into my primary residence located at
10815 SW 141 Lane
Miami, Fla 33176 (Trespassing)

(23)

Not only did the intruders turned my water and electricity off illegally; but they also burglarized my home stealing \$ money off the Kitchen Counter totaling \$300.00 dollars.

I could no longer hear the Walking Sounds of Foot Steps. I panic, and desperately called emergency 911 Police Miami-Dade County Department For help.

My hands were both wet from showering attempting to call 911(ER) for help, but the telephone calls kept dropping.

I also called Miami-Dade Water/Sewer Authority. (THIS VERBAL RECORDED INCIDENT IS ON A CD RECORDING, THAT INVOLVES MIAMI-DADE POLICE/ METRO-DADE MIAMI FIRE DEPARTMENTS)

(24)

Both Departments Miami-Dade Police and Fire Dept. were the ones whom had turned my water OFF to my home premises, tampering with the electricity causing it also to go OFF, and whom had entered my home while I was taking a shower unannounced.

I have respected both professional Depts; (Police/ fire). I have been a widow since 9-21-1990, raising by myself, my four small children. Prior to my husband's death, the father of our children. His employment, he was the "Fire Captain" on Miami-Dade County Fire Department, and was in the position of being promoted to Chief, before his death. The late Capt. Ron Elliott

I have "Forgiven", both Police/ Fire Dept's on what they had done to me on that UnFaithful day of Arrest on 8/30/2008, But Miami-Dade Public Defender, Robert L. White III, assigned to this Felony Case, Case # F 08-32079; did not effectively counsel me at the Felony Sounding Hearing, heard on 3-11-2010. I was willing for this RECORD to be "Expunged, all lies. And must remained SEALED For 10 long years without and further Police Incidents of arrest(s), affecting my Career.

(25)

Miami Dade Police Department did arrived, but arrested me stating, "You called 911 too many times, you are under arrest, and you're going to jail."

I have never had an arrest- record in my life (A CLEAN- RECORD). On August 30, 2008 arrested at my home, my occupation full-time Registered Nurse for Kids Care Nursing Services, A School- Health Nurse, part-time for Maxim Health-Care Services (the management/direct care of disabled children is the School System). And I also gained employment through Maxim Health Care Services Working at Dade Corrections/ Homestead Correction Prison Institution in Fla City, Florida, as a Medical- Psychiatric R.N. (Registered Nurse), and was soon to fulfill a higher promoting position Nurse in the Prison- Correction System of incarcerated Inmates. On 8/30/2008,

"I needed emergency help; but was arrested because I called 911 for help. "My career, and entire life changed into a state of deep depression, and disbelief, in shock of what was "Happening."

Never having an arrest record in my life I did not legally no all about the Justice- System, and solely depended and trusted

(26)

Miami-Dade County Public-Defender
Robert L. White, III; the Florida Bar file no.
2013-70.284 (11M) whom was assign to
represent me on this Felony Case # 08-32079
in the lower tribunal Judicial Circuit Court; presiding
over this Felony Case, Judge Antonio Arzola
in Miami-Dade County Fla 11th Judicial Circuit
Court, Criminal Division.

During "the Felony Sounding Hearing," heard
on March 11, 2010. I was not effectively
Counsel by Attorney Robert L. White III.
He led me to believe that my entire record
will be expunge immediately on a With-hold
of Adjudication charge and with Probation.
(WH ADJ-PROB SP COND). And Judge Further
agreed with him (Judge Antonio Arzola)
agreeing with Attorney White III; stating; "Your
Attorney (Robert L. White III) will assist you
with that process of expunging."

* REVIEW COURT OFFICIAL REPORTING/RECORDED
11th JUDICIAL CIRCUIT COURT MIAMI-DADE
COUNTY FLORIDA, TRANSCRIPT

" Attorney Robert L. White, insisted telling
me that my other two charges are dropped
and that there is only one left (The 911
emergency calls) and he will get that
expunged." Both Judge, and Attorney positively
reassured me that my record will be expunged
on a guilty- Plea. And that I have been represented
by competent and effective assistance of Counsel.

(27)

But according to FDLE, (Florida Dept of Law Enforcement). I was not effectively counseled. It is 10 years strictly Sealed on a "with-Hold of Adjudication/Probation Charge; and my record cannot be immediately expunged, "A SEAL ONLY." And I must wait for 10 years with a Sealed record, before I'm even qualified or eligible to apply for this record to be "Expunge."

My entire career has been ruined. I can no longer work in any Hospitals, the School System, neither in Prison Settings. I was arrested for calling 911 emergency for help in need of protection from Police Officers upon their arrival. Police Stated, "you called 911 too many times is the reason why you are being arrested. Level 2 Back-Ground Check, and now no longer eligible for hire to work in my Nursing Career; charged by a Felony with three counts, faces 18 years in Prison: 1) Resisting an Officer with Violence. 2) Misuse of Emergency 911 Communications, and 3) Disorderly intoxication. (All written reported False Allegations of Police Report). This is an important CD recording that was given to Attorney Robert White, which he acknowledged he had fail to listen to, very important crucial-Evidence pertaining to this case, after this Felony Sounding Case was closed. Involving

(28)

both Miami-Dade Metro Police, and Metro Dade Miami Fire Department(s), turning off my water to my home premises, and tampering with the out-door Electrical Compartment box that is attached to my home Located at address:

10815 SW 141 Lane
Miami, Florida 33176

In this recorded CD Message(s) by both Departments "Police and Fire," admitting their involvements of these offenses.

Right after the Felony Sounding Hearing heard on 3-11-2010; this case was closed by Judge Antonio Arzola, Criminal Division in the 11th Judicial Circuit Court, lower Tribunal case Felony # 0832079, in Miami-Dade County Florida.

While still inside the Judge's Court Room, Attorney Robert L. White stated to me, "your case is closed! And I did not listen to any CD recordings you gave me. You pleaded guilty, and that was all that I needed for you to do!"

Then Attorney Robert L. White, laughed very out loudly to me, and walked away while still inside the Judge's Court room. Stating, "Your Case is closed, it is over!" I was ineffective of assistance in receiving effective counseling from him.

As OF This DAY
Reasons for Granting The Petition

"Now disabled, unemployed, and unable to work. The reasons why I should be granted Certiorari." At the time of this ARREST, My Occupation Professional Registered (RN) Nurse. I was arrested on 8/30/2008 and charged with a Felony-misdemeanors For calling 911 too many times For emergency HELP. I have never had an Arrest-Record in my Life. And this Arrest has affected my entire Nursing Career, For needing Police Protection and got ARRESTED FOR CALLING. I am seeking relief of a clean Record in vacating Judgement/Sentence. I had been ineffectively inassistance of counseling by accepting "A Guilty-Plea", on a charge that stays on my record for life; and as of now has affected my entire RN Nursing Career, of employment of sucessfully being hired.

Since March of 2010, the Courts has repeatedly Denied any Hearings in this case to be Heard. Please GRANT ME this Petition so that this case in consideration will be reviewed/heard by U.S. Supreme Court. I have been greatly punished For calling 911 for help. My Career has been taken away from me, and case hearings denied.

over "Years."

35

And as of this Date September 28th 2019, I am still waiting for this case to be Heard and not denied. My life was in danger and I got "ARRESTED" For calling 911 for "Help." My Profession, requires a Level 2 Back-ground check according to The State of Florida FDLE (Fla Department of Law Enforcement), and these charges will always appear as an opened record whom ever is seeking to hire me. On this Wrongful Arrest and wrongful incarceration, I do plea in asking The United State Supreme Court of America, upon diligently reviewed that this "Indigent Petitioners For Writs of Certiorari" case be GRANTED FOR Rehearing, AND NOT "DENIED," and the relief for this Post-Conviction Charge(s), sentence at a Felony- Sounding Hearing on March 11, 2010, while Trial date was only 11 Days away Calendar Scheduled for 3-22-2010 Hearing. Public Defender was not prepared at this hearing, when he told "The COURT, and the STATE, that he did not know that, that was the offer? I was ineffectively assist of Counseling by him, but this Felony Sounding Hearing continued anyway. Whether he was "READY OR NOT."

And during "The Felony Sounding Hearing," the Judge Antonio Arzola constantly positively reassured defendant (Dorothy Williams Elliott) that my record will be "EXPUNGED," going along and agreeing with Public Defender Robert L. White. I was ineffectively in assistance of Counseling. Please Grant Petitioner a writ of Certiorari.

3.850

On This Day 28th Month of September
Year 2019

These are the two Court Cases, that
I Dorothy Williams Elliott, is timely
Filing on Petition(s) For Writ(s) of
CERTIORARI; to be reviewed by the
United States Supreme Court, and upon
consideration; granted of leave to
proceed in Form a pauperis in the
Following Cases:

In the Third District Court of Appeal
of Florida, Case No: 3D18-2204
DENIED
case
Entered July 2, 2019
and

Supreme Court of Florida
DISMISSED
case
Case No: SC19-1291
Entered July 31, 2019

Dorothy Williams Elliott,
Indigent Petitioner

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Dorothy Williams Elliott
Date: September 28th 2019