

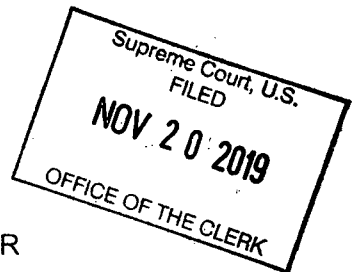
19-6777

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES



IRIS LAMARR ANDERSON — PETITIONER
(Your Name)

VS.

STATE OF FLORIDA, ET AL., — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

IRIS LAMARR ANDERSON #222991
(Your Name)

11419 SW COUNTY ROAD 249
(Address)

JASPER, FLORIDA. 32052
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

- 1.) HAS THE FLORIDA SUPREME COURT IMPLEMENTED PRACTICES FOR FLORIDA'S JUDICIAL SYSTEM THAT CONTRADICTS THE U.S. CONSTITUTIONS 1ST, 6TH AND 14TH AMENDMENT RIGHTS FOR PRISONER'S ?.
- 2.) DID THE FLORIDA SUPREME COURT'S DENIAL FOR "CERTIORARI REVIEW" WHERE INMATE HAD NO OTHER MEANS OF APPEAL FOR EXHAUSTING STATE REMEDIES VIOLATE INMATE'S 1ST AND 14TH AMENDMENT RIGHTS?.
- 3.) IS THE FLORIDA SUPREME COURT UNCONSTITUTIONALLY ALLOWING THE "SPENDER SANCTION" TO VIOLATE OR ABRIDGE INMATES 1ST AMENDMENT RIGHT FOR REDRESS OF GRIEVANCES WHEN PREMATURELY ISSUED ?.
- 4.) IS THE FLORIDA SUPREME COURT ABUSING IT'S OBLIGATORY SUPERVISORY POWERS BY NOT INSURING THAT NO PRISONER IS DEPRIVED OF LIFE, LIBERTY OR PROPERTY WITHOUT BEING AFFORDED DUE PROCESS OF LAW ?.

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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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☐ is unpublished.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☐ is unpublished.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**:

The opinion of the highest state court to review the merits appears at Appendix B 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 FIFTH JUDICIAL CIRCUIT COURT "OR" LOWER TRIBUNAL court appears at Appendix B 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 JULY 25, 2019.
A copy of that decision appears at Appendix B.

☒ A timely petition for rehearing was thereafter denied on the following date:
AUGUST 15, 2019, and a copy of the order denying rehearing appears at Appendix D.

☐ 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

- 1.) THE CONSTITUTIONAL PROVISIONS INVOLVED IN THE PROCEEDING ARE THE FIRST (1ST) AMENDMENT OF THE U.S. CONSTITUTIONS BILL OF RIGHTS GUARANTEEING, THE RIGHT OF THE PEOPLE TO "PETITION THE GOVERNMENT FOR A REDRESS OF GRIEVANCES". (SEE; APPENDIX E AND APPENDIX H).
- 2.) THE SIXTH (6TH) AND FOURTEENTH (14TH) AMENDMENTS OF THE UNITED STATES CONSTITUTIONS BILL OF RIGHTS, GUARANTEEING A PUBLIC TRIAL BY AN IMPARTIAL JURY- NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY OR PROPERTY WITHOUT DUE PROCESS OF LAW (SEE; APPENDIX A AND APPENDIX L).

THE STATUTORY PROVISIONS INVOLVED ARE AS FOLLOWS;

- A.) APPENDIX V. NEW JERSEY, 530 U.S. 466 (2000) [APPENDIX A]
- B.) ALLEYNE V. UNITED STATES, 133 S.Ct. 2151 (2013) [APPENDIX A]
- C.) WEEMS V. STATE, 795 So. 2d 122, 123 (FLA. 1ST DCA 2001) [APPENDIX A]
HOLDING; THAT "PRR" SENTENCE HAD TO BE VACATED, WHERE IT WAS NOT SUPPORTED BY SPECIFIC JURY FINDINGS
- D.) "PRISON RELEASEE REOFFENDER" ACT - F.S. 775.082 (9)(a) 1.d. [APPENDIX A].
- E.) PLOTT V. STATE, 148 So. 3d 90 FLA. 2014 (APPENDIX A).
- F.) JUDGES "OATH" OF OFFICE, (APPENDIX L).

STATEMENT OF THE CASE

ON FEB. 26, 2019, THE PETITIONER FILED A MOTION TO CORRECT AN ILLEGAL SENTENCE, PURSUANT TO FLORIDA RULES OF CRIMINAL PROCEDURES, RULE 3.800(a), (A MOTION THAT CAN BE FILED AT ANYTIME, AS LONG AS IT CAN BE PROVEN BY FACE OF RECORD EVIDENCE). IN PETITIONERS MOTION HE ARGUED HIS ILLEGAL SENTENCE OR FALSE IMPRISONMENT BECAUSE;

THE TRIAL COURT ERRED AND THE SENTENCING STRUCTURE IS ILLEGAL BECAUSE THE TRIAL COURT ERRED IN SENTENCING DEFENDANT TOO 30 YEARS MANDATORY UNDER FLORIDA'S PRISON RELEASEE ACT ("PRR" ACT) BECAUSE UNDER APPENDI V. NEW JERSEY, 530 U.S. 466 (2000) AND, ALLEYNE V. UNITED STATES, 133 S. CL. 2151 (2013) THE "PRR ACT" UNCONSTITUTIONALLY ALLOWED THE JUDGE, RATHER THAN THE JURY, TO FIND THE "ESSENTIAL ELEMENT" NEEDED TO CONVICT DEFENDANT OF THE ALLEGED "AGGRAVATING CIRCUMSTANCE" OF THE STATES THEORY OF HOW THIS ALLEGED OFFENSE OCCURED. "SEE APPENDIX A" FOR BRIEF TRIAL SUMMARY WITH CONTROLLING FLORIDA SUPREME COURT CASES; WEAVER V. STATE, 957 So. 2d 588 (2007) AND F.B. V. STATE, 852 So. 2d 266 (2003). ALTHOUGH IN PETITIONERS 3.800(a) MOTION TO CORRECT AN ILLEGAL SENTENCE HE PROVED BY FACE OF RECORD THAT THE SENTENCE AND HIS IMPRISONMENT IS ILLEGAL BASED UPON THE FOREGOING FACTS:

- 1.) PETITIONER WAS ARRESTED AND CHARGED WITH SEXUAL BATTERY BY PERSON IN FAM/LUS AUTHORITY ON VICTIM OVER 12 YRS. OLD BUT LESS THAN 18

PETITIONER WAS ARRESTED IN 2013 AND THIS ALLEGEDLY OCCURED IN 2008, 2 YEARS AFTER PETITIONER RELEASED FROM A FLORIDA PRISON, IN 2006.

- 2.) THE PROSECUTOR'S OPENING ARGUMENT TO THE JURY WAS;
'THIS INCIDENT INCLUDED SEXUAL INTERCOURSE, THE DEFENDANT
"PENETRATED" MS. _____ VAGINA, WITH HIS PENIS AND,
THE REASON WE KNOW THIS IS BECAUSE A CHILD WAS BORN'
- 3.) THE PETITIONER DIDN'T TESTIFY, BUT HIS INITIAL INTERVIEW
WAS SHOWN TO THE JURY, WHERE HE DENIED THE CHILD WAS HIS
NUMEROUS TIMES
- 4.) THE PETITIONER WAS FOUND GUILTY BY USING A GENERAL VERDICT
FORM ^{W/} THE WORDS PENETRATION "OR" UNION WITH, IN THE GENERAL
VERDICT
- 5.) THE JURY THEN WAS POLLED THEN DISMISSED
- 6.) 10 MINUTES LATER PETITIONERS SENTENCING PHASE AND
"PRR" DESIGNATION HEARING BEGAN
- * 7.) AT THE BEGINNING OF THE PRR HEARING, THE STATE PROSECUTOR
ORALLY ANNOUNCED (SEE APPENDIX A-ATTACHMENT APPENDIX E)
"THERE WAS NO SPECIFIC FINDINGS BY THE JURY IN
THIS CASE THERE WAS PENETRATION!!!,"
- 8.) THE TRIAL COURT "JUDGE LAMBERT ACCEPTED THIS FACT," CHANGED
MY VICTIM INJURY POINTS FROM 80 FOR PENETRATION, TO 40
FOR SEX TOUCHING.
- 9.) THEN PROCEEDED TO DETERMINE IF I WAS TO BE A "PRR"
DESIGNATION, "WHICH HE DETERMINED THAT I COMMITTED THIS
SEXUAL BATTERY THE WAY THE STATE ARGUED TO THE JURY," 3
YEARS PRIOR TO BEING RELEASED, FROM A FLORIDA PRISON. (PRR)
THEREFORE ON A 1ST DEGREE FELONY, I RECEIVED 30 YRS. MANDATORY.

ALTHOUGH ON MY 3.800(a) MOTION TO CORRECT AN ILLEGAL SENTENCE I CLEARLY SHOWED BY FACE OF RECORD THAT;

* BY JUDGE LAMBERT USING A PRR ACT HEARING TO DETERMINE IF THIS ALLEGED OFFENSE OCCURRED PRIOR TO ME BEING OUT OF PRISON FOR 3 YEARS, HE IGNORED THE "ESSENTIAL OR MANDATORY ELEMENT" WASN'T FOUND TO HAVE OCCURRED IN THIS CASE BY THE JURY AND THIS WAS PER THE PROSECUTOR'S OWN PRONOUNCEMENT, CLEARLY ESTABLISHING THAT THE PROSECUTOR DIDN'T PROVE HIS CASES THEORY OR ELEMENT OF PENETRATION BEYOND A REASONABLE DOUBT, WHILE YET JUDGE LAMBERT VIOLATED APPENDIX(SUPRA), BY DETERMINING A FACT OCCURRED THAT THE JURY ALREADY DIDN'T, TO HOWEVER THE PRR ACT "DETERMINATION, UNDER FLORIDA STATUTES 775.082 9(a) 1.8.

ON JULY 25, 2019 JUDGE SANDERS DENIED MY 3.800(a) MOTION, USING A FORM OF "CULTIVATED IGNORANCE" OR "A WILLFUL LACK OF KNOWLEDGE, TO PROTECT ONES SELF OR PEER FROM HARM", ON AUGUST 1, 2019 PETITIONER FILED A MOTION FOR REHEARING, BRINGING TO JUDGE SANDERS ATTENTION THAT HIS DENIAL WAS MERITLESS AND THREW ALL OF THE COURT'S ARGUMENTS, THE COURT "NEVER" ANSWERED THE QUESTION OF:

"DID THE 'PRR ACT' UNCONSTITUTIONALLY ALLOW THE JUDGE TO VIOLATE THE U.S. SUPREME COURT'S DECISIONS IN APPENDIX(SUPRA) AND ALLEN(SUPRA), AND IN SUCH VIOLATING DEFENDANTS & THE AMENDMENT RIGHT TO A TRIAL BY JURY? AND, IN THE AMENDMENT RIGHT TO DUE PROCESS OF LAW?";

ON AUGUST 15, 2019 THE HONORABLE JUDGE SANDERS, DENIED THE MOTION FOR

REHEARING. AT THIS POINT PETITIONER ALREADY BEING PROHIBITED OR "SPEAKER SANCTIONED", TO FILE ANYMORE PRO SE. MOTIONS OR APPEALS IN THE 5TH DISTRICT COURT OF APPEALS ON OCTOBER 18, 2017 (SEE APPENDIX E - EXHIBIT B). [THIS ACT AS ARGUED BY PETITIONER AT THE TIME, VIOLATED PETITIONERS 6TH AMENDMENT RIGHT TO A TRIAL BY JURY BECAUSE;

THE 5TH DCA ALLEGED PETITIONER OF FILING FRIVOLOUS AND MERITLESS APPEALS, WASTING THE COURT'S RESOURCES. THE PETITIONER ALLEGED THE STATE OF IT'S FAILURE

TO FOLLOW FLORIDA STATUTES, THE U.S. CONSTITUTION AND FLORIDA/UNITED STATES SUPREME COURTS CASE LAW, THAT VIOLATED PETITIONERS 14TH AMENDMENT DUE PROCESS RIGHTS!, THE "SPENCER SANCTION" IS UNCONSTITUTIONAL BECAUSE, THE ACCUSER'S ARE THE TRIGGERS OF FACTS?]

ON AUGUST 26, 2019 PETITIONER FILED A PETITION FOR INVOKING DISCRETIONARY "CONFLICT" JURISDICTION FOR CERTIORARI REVIEW UNDER EXTRA-ORDINARY CIRCUMSTANCES WITH THE 5TH JUDICIAL CIRCUIT COURT AND THE FLORIDA SUPREME COURT, AS WELL AS A MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS, IN THE SUPREME COURT OF THE UNITED STATES (SEE APPENDIX E-EXHIBIT A) w/ PETITIONER'S AFFIDAVIT OR DECLARATION IN SUPPORT OF THIS MOTION.

ON SEPTEMBER 9, 2019 THE FLA. SUPREME COURT DETERMINED THAT THE 5TH DCA HAD JURISDICTION?, AND, IN SUCH TRANSFERRED THE PETITION AS A NOTICE OF APPEAL TO THE 5TH DCA?.

ON SEPT. 10, 2019 THE 5TH DCA DENIED "OR" REFUSED TO ACCEPT JURISDICTION, DUE TO THE PRO SE. FILINGS PROHIBITION IN THE "SPENCER SANCTION".

ON SEPT. 20, 2019 PETITIONER FILED A MOTION FOR RECONSIDERATION TO CORRECT MANIFEST INJUSTICE w/ THE FLA. SUPREME COURT, WHEREBY PURSUANT TO FED. RULES CIVIL PROC. RULE 59(E) AND FED. RULES OF CIVIL PROCEDURE 60(b), PETITIONER CLEARLY SHOWED THAT THE FLA. SUPREME COURT THRU IT'S OBLIGATORY SUPERVISORY POWERS, HAD JURISDICTION [ALSO SEE; FLORIDA ADMINISTRATIVE CODES RULE 2.205 (A)(2)(B)(i)(ii), FLORIDA'S CONSTITUTIONS, ARTICLE V § 3(b)(3), FLORIDA'S APPELLANT PROCEDURES RULE 9.040(C) AND, RULES OF THE SUPREME COURT 10(b)(c)] - APPENDIX E

ON SEPTEMBER 24, 2019 THE FLORIDA SUPREME COURT DENIED THE MOTION FOR REHEARING

AT THIS POINT THE PETITIONERS ONLY MEANS OF APPEAL
IS THE UNITED STATES SUPREME COURT BECAUSE THE HIGHEST
OR LAST RESORT STATE COURT WITH JURISDICTION HAS DECIDED AN
IMPORTANT QUESTION OF FEDERAL LAW IN A WAY THAT CONFLICTS WITH
RELEVANT DECISIONS OF THIS COURT AS WELL AS THE STATE OF
FLORIDA HAS DEPARTED FROM THE ACCEPTED AND USUAL
COURSE OF JUDICIAL PROCEEDINGS AND SANCTIONED SUCH A
DEPARTURE THRU UNCONSTITUTIONALLY ISSUING OF A "SPENCER SANCTION"

PREMATURELY BY THE STATES DISTRICT COURT
OF APPEALS, AND THE FLORIDA SUPREME COURTS
"UNCONSTITUTIONALLY" RESPECTING "CERTIORARI
REVIEW". CONSTITUTES A FAIL FOR THIS COURT
TO EXERCISE ITS SUPERVISORY POWERS,
PURSUANT TO RULES OF THE SUPREME COURT
OF THE UNITED STATES, 10(a).

THE FLORIDA SUPREME COURT, CLEARLY HAS ALLOWED THE IMPLEMENTATION
OF A CRIMINAL JUSTICE PROCEEDING [SPENTER SANCTION] THAT VIOLATES INMATES
1ST, 6TH AND 14TH AMENDMENT RIGHTS OF THE UNITED STATES CONSTITUTION. AND,
CONFLICTS WITH THIS COURTS DECISION IN WOLF VS. McDONNELL, 418 U.S.
539, 556. 94 S. LT. 2963, 2974.

HOLDING: "PRISONERS MAY NOT BE DENIED / DEPRIVED
OF LIFE, LIBERTY OR PROPERTY WITHOUT DUE
PROCESS OF LAW."

ALTHOUGH PURSUANT TO DE BODOT VS. SHEFFIELD, 95 So. 2d 912 (FLA. 1957)
THE FLORIDA SUPREME COURT HELD:

"CERTIORARI IS A DISCRETIONARY WAY BRINGING UP FOR REVIEW,
THE RECORD OF AN INTERIOR [COURT] TRIBUNAL OR AGENCY IN A JUDICIAL
OR QUASI-JUDICIAL PROCEEDING, AND IS AVAILABLE TO OBTAIN REVIEW
IN SITUATIONS WHEN NO OTHER METHOD OF APPEAL IS AVAILABLE."

BUT, YET IN INSTANT CASE, INMATE ANDERSON WAS DENIED "CERTIORARI REVIEW".
HAS THE FLORIDA SUPREME COURT UPBEADED THE "JIM CROW ERA?" FROM
SYSTEMATICALLY PRACTICING DISCRIMINATION AGAINST AND SUPPRESSING BLACK PEOPLE,

TO SYSTEMATIC PRACTICES OF DISCRIMINATING AGAINST AND SUPPRESSING ALL FLORIDA
INMATES? AND, IN SUCH KNOWINGLY IMPLEMENTING A "PRO-SLAVERY STATE" JUDICIAL
CRIMINAL PROCEEDING POLICY?, FIFTYFIVE (55%) PERCENT OF FLORIDA'S INMATE
POPULATION IS BEING DENIED DUE PROCESS OF LAW, THEN SUCH DENIALS FOR NO
SOUND LEGAL REASONS, THEREFORE MAKING INSTANT CASE OF PUBLIC IMPORTANCE.

[ALSO SEE; IRIS L. ANDERSON V. D.O.C., 5:16-cv-480-DC-35PRJ U.S.D.C. - M.D. FLA. DATA DIV. 2016]

REASON FOR GRANTING PETITION

THE REASON FOR GRANTING THIS PETITION IS TO CORRECT A "MISFEASANCE OF JUSTICE", BEING CARRIED OUT AND IMPLEMENTED BY THE FLORIDA SUPREME COURT, THAT VIOLATES INMATES FIRST (1ST), SIXTH (6TH) AND FOURTEENTH (14TH) AMENDMENT RIGHTS OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA, PURSUANT TO A "SPENNER SANCTION" PREMATURELY ISSUED AND LEGISLATIVE REVIEW" BEING DENIED, WHERE INMATE(S) HAVE NO OTHER MEANS OF APPEAL, IN THE PURSUIT OF EXHAUSTING STATE REMEDIES, THE GRANTING OF THIS PETITION WILL ALSO LAY A PRECEDENT TO THE U.S. DISTRICT COURTS, WHERE STATE PRISONERS ARE SEEKING HABEAS CORPUS RELIEF AND FLORIDA'S ATTORNEY GENERAL'S OFFICE USES THE FLORIDA SUPREME COURT DENIAL, AS A CLAIM OF PROCEEDINGLY BARRING INMATES HABEAS CORPUS DUE TO UNEXHAUSTED CLAIMS IN STATE COURTS. CLEARLY ESTABLISHING THAT THE SUPREME COURT OF FLORIDA HAS IMPLEMENTED AN ELABORATE "RAKETEERING SCHEME" TO ENSURE SLAVERY "UNDER COLOR OF LAW" WITHIN THE STATE OF FLORIDA.

THEREFORE THIS PETITION'S GRANTING IS CLEARLY OF PUBLIC IMPORTANCE FOR ENSURING THE HONESTY, FAIRNESS AND THE INTEGRITY OF THE JUDICIAL SYSTEM AS A WHOLE.

CONCLUSION

BASED UPON THE FOREGOING ARGUMENT OF THE "UNCONSTITUTIONAL" DENIAL OF "LEGISLATIVE REVIEW" BY THE FLORIDA SUPREME COURT AND THIS HONORABLE COURT BEING PETITIONER'S ONLY MEANS OF APPEAL, THE PETITION FOR A WRIT OF HABEAS CORPUS SHOULD BE GRANTED.

RESPECTFULLY SUBMITTED,

IS/

DATE: NOV. 19, 2019