

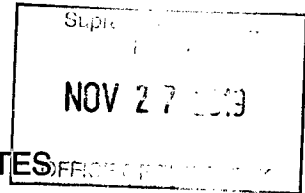
19-6893 ORIGINAL

No. \_\_\_\_\_

LEGAL MAIL PROVIDED TO  
COLUMBIA CORRECTIONAL INSTITUTION  
ON 11-27-93 (DATE) FOR MAILING  
Staff Initial phd MM Initial \_\_\_\_\_

IN THE

SUPREME COURT OF THE UNITED STATES



Michael Wayne Nelson — PETITIONER  
(Your Name)

vs.

STATE OF FLORIDA DEPARTMENT OF  
CORRECTIONS — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS 11TH CIRCUIT  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

MICHAEL WAYNE NELSON, ©  
(Your Name)

Columbia Correctional Institution (Annex)  
(Address)

216 SE Corrections Way, Lake City, FL 32025  
(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)

### QUESTION(S) PRESENTED

- 1.) Does a Court retain subject matter Jurisdiction when the operating state Attorney has not completed the oath process of the Assistant State Attorney required by law. Seeing that the Assistant State Attorney advised Grand Jury, Handled Evidence, Questioned witnesses and signed charging Documents. Seeing such Deficient signature Do those Documents Envoke the Courts subject matter Jurisdiction?
- 2.) Seeing A commercial Bankruptcy Tort claim Attached to First Appearance/Arraignment in the case At hand that was brought without service of process. That Had NO Due Process of U.S. Constitution, in which Petitioner was Presumed Guilty by Default prior to criminal proceeding in the matter. which means Defendant was Presumed Guilty by the parties. Because it was Never Litigated by the process. Does the without service of process, or Due process. Does the Court Retain subject matter Jurisdiction with this Fraud present?
- 3.) IF Counsel for Defendant Admits to making mistakes upon the record where Defendant withdraws A 25 years with 10 years mandatory plea Agreement. The Defendant tried to fire Counsel and was Not Allowed to, the Deficient performance Did Not increase, the Defendant was forced to take A plea similar in Nature (Lower Court Appeal Pending) Defendant wanted to fire Counsel, Counsel Never filed Direct Appeal As Promised. Was Defendants 6<sup>TH</sup> Amendment Rights violated?

## 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:

## RELATED CASES

UNITED STATES COURT OF APPEAL 11<sup>TH</sup> CIRCUIT CASE NO: 1814174-K  
UNITED STATES DISTRICT COURT JACKSONVILLE, FL DIVISION CASE NO: 3:17-CV-00188 HES-PDB  
FIFTH DISTRICT COURT OF APPEALS STATE OF FLORIDA CASE NO: 5D16-3864  
CASE NO: 5D15-3864  
CASE NO: 5D10-3653  
SEVENTH CIRCUIT PUTNAM COUNTY FLORIDA CASE NO: 041203-CF-52

## TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	
STATEMENT OF THE CASE .....	
REASONS FOR GRANTING THE WRIT .....	
CONCLUSION.....	

## INDEX TO APPENDICES

APPENDIX A	<u>Response from: United States District Court 11<sup>TH</sup> circuit Court of Appeals.</u>
APPENDIX B	<u>Response From: United States District Court of Appeals Motion to Reconsider</u>
APPENDIX C	<u>United States Court Jacksonville Florida Response</u>
APPENDIX D	
APPENDIX E	
APPENDIX F	

## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
- Hazel Atlas Glass v. Hartford Empire 1941 Ohio, OK	22-E
- Federal communications commission v Fox (2012)	22-E
- Strickland v. Washington 466 US 688, 687 104 S.Ct. 2052 (1984)	22-G
- US v. Cronin 466 US 648, 658, 104 S.Ct 2039, 2046 (1984)	22-G

STATUTES AND RULES	
- FL Statute § 27.181 (1)(2)(3)	22
- FL Statute § 876.05-876.10	22

OTHER	
- CFR Title 27 § 72.11	22-C
- Civ. Procedure ch. 5 Rule 4, 18, 10	22-C
- TITLE 28-1602 to 1611	22-C
- TITLE 28 / 1330	22-C
- CFA section 92.12-92.32	22-C
- § 1481	22-C
- § 2254	22-H

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 C to the petition and is

☐ reported at \_\_\_\_\_; or,

☐ has been designated for publication but is not yet reported; or,

*n.* ☒ is unpublished.

The opinion of the United States district court appears at Appendix A-B 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 \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

*Documents  
missing*

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.

*Documents  
missing*

## JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 7/9/19.

☐ 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: 8/29/19, and a copy of the order denying rehearing appears at Appendix B.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (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 \_\_\_\_\_.  
A copy of that decision appears at Appendix \_\_\_\_\_. *missing documents*

☐ 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 N/A (date) in Application No. A.

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

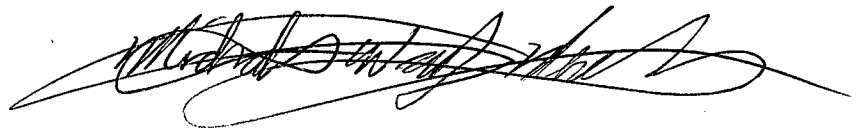
## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Layed out in the following (4) Grounds  
Petitioner is As concise As possible with  
Facts of Constitutional Rights violations,  
Fraud the lower courts committed Please  
See: Attached Pages 40-A ——— 40-I.

Petitioner is in A Protective Management  
Special Housing unit. And may get 1 to 2 hours  
A month in A Law Library if security permits.

Petitioner Pro-se, In Propria persona has Done  
The Best he can in Raising his claims, his  
Lower court motions/Petitions Are More Intricate  
And cite Law. Please Don't Dismiss my claims  
lightly.

Most Respectfully

A handwritten signature in black ink, appearing to be 'Michael J. Smith', written over a horizontal line.



## STATEMENT OF THE CASE

### • GROUND ONE •

Petitioner after noticing Constitutional Deficiencies in his case did check certification of Assistant State Attorney Richard Robin Strickler, The mandatory Oath was not on Public Record where it was Required to be, Pursuant to Florida Statute § 27.181 (1) (2) (3) certified copies SHALL promptly be Transferred to Secretary of State Archive. They were Not Please See: APPENDIX-A to Ground one (4) Letters from Secretary of State Archives. Pursuant to FLORIDA STATUTE § 876.05 - 876.10 This Act overrides ALL LAWS AS A matter of LAW.

Assistant State Attorney Richard Robin Strickler did Advise the Grand Jury, Handled Evidence, witnesses, and signed the Charging Documents Please See: APPENDIX-B to Ground One.

State Attorney John Tanner Did never file Richard Robin Stricklers Oath of office violating Florida Statutes § 876.05 - 876.10 A Second Degree Misdemeanor, And Florida Statute § 27.181 (1) (2) (3) The Law says the Act of Taking this Oath overrides ALL LAWS.

The Court Later produced An Oath Stating Unofficial Document, That was \*NEVER\* Filed with the Secretary of State Archives. This Document was Allegedly Filed with the Court About (10) years before Petitioners case Please See: APPENDIX-C to Ground One. (Right in the middle of ALL these Lower Court Appeals the State Destroyed the Record \*Allegedly\* Including Sentencing Hearing Transcripts Please See: APPENDIX-D to Ground one).  
The STATE OF FLORIDA violated Article 6, clause 3

Please See Attached : Pages 401-A — 40-I

## REASONS FOR GRANTING THE PETITION

Petitioner has shown obvious Rights violations  
Prosecution committed crimes to convict petitioner  
The courts Attempted to Destroy Record in the  
middle of Appeals. The Grounds Raised Are  
Sufficient.

Petitioner was protecting his And his Nephews  
Life from A Legally Mentally Insane man with A  
Gun.

Petitioner has Done over 15 years in prison  
has Diploma, Technical Analyst Degrees, Accounting  
certification. Petitioner has A Job, Vehicle, Housing  
And given A chance will Never committ Another  
crime Again. I been through A lot. Please give  
me A second chance At Life, I will not fail.

Sincerely

A handwritten signature in black ink, appearing to read "Michael Wayne Nelson", with a large, sweeping flourish at the end.

MICHAEL WAYNE NELSON ©

Wherefore, Petitioner seeks the Dismissal of charges by this courts Ancillary Jurisdiction, or Appropriate Relief this Court Deems Necessary. A lesser Included Plea Agreement of Time served or suspended sentence would be proper or Reversed that this may be Negotiated.

The lower Courts Are Treacherous, Incidious, Unfair. Please help Relief sought be granted. Petitioner Humbly Pray.

#### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

  
MICHAEL WAYNE NELSON ©

Date: 11/27/2019