

19-7191

IN THE SUPREME COURT OF THE UNITED STATES

ORIGINAL

JANICE BAKER,

PETITIONER,

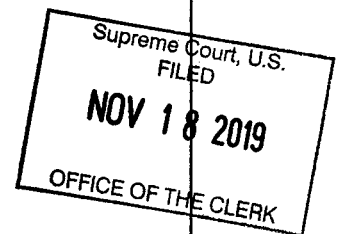
Vs.

CASE NO. 4D18-3618

MACY'S FLORIDA STORE LLC,

RESPONDENT,

L.T. CASE NO: 50-2016-CA-011132



PETITION WRIT OF CERTIORARI

(Petition for Writ of Certiorari to review 4th Appeal District

Circuit Court final on 10/3/19

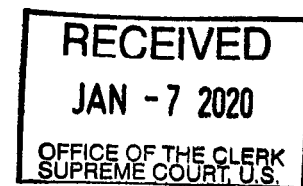
Mrs. Janice Baker

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West Palm Beach, Florida

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L.T. CASE NO: 50-2016-CA-011132 - 1

A. QUESTIONS PRESENTED FOR REVIEW

1. Whether the Appendix A has discretionary jurisdiction to review
A decision expressly and directly conflicts with a decision of the
Appendix B on the same question of law See. Art. V., (b)(3) Fla Const;
Fla R. App. 9.120 (a), 9.030(b) (1) (a) (b) (c) (2) (a) (b) (3) (4) (a) (b)
2. How important for the Appendix A to have a Petition Writ of Certiorari
to look at the lower court ruling for non-final (interlocutory) decisions
according to 28 U.S.C. &1292, and 28 U.S.C.&1291, gives jurisdiction of
appeals of final decisions by district courts to the courts of appeals in most
cases.
3. U.S. Code & 1257. State Courts; Certiorari (a) Final Judgments or decrees
Rendered by the highest court of a state in which a decision could be had
may be reviewed by the Supreme Court by Writ of Certiorari where the
validity of a treaty or statute of any state is drawn in question on the ground
of it's being repugnant to the Constitution, treaties, or laws of the United States,
or where any title, right, privilege, or immunity is specially set up or claimed
under the Constitution or the treaties or statutes of, or any commission held, or
authority exercised under, the United States.

B. PARTIES INVOLVED

The parties involved are identified in the style of
The case.

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FLORIDA STATUTES:

768.075 57.082 57.081(1)

APPELLENT PROCEDURE RULES

9.120 9.130 (a) (1) (h) 9.030 (b) (1) (a) (b) (c) (2) (a) (b) (3) (4) (a) (b)

OTHER

Florida Const. Article I 28 U.S.C. & 1257 28 U. S. C. & 1291 Rule 13

Florida Const. Article V 28 U.S.C. & 1292 Rule 10 (a) (b) Rule 11

See 28 U.S.C & 2101(a) (b) (c) (e) (f)

E. JURISDICTION

The U. S. Supreme Court over Appendix A, B, and C state courts to review non-final orders from Appendix A, after issuing its Petition of Writ of Certiorari according to the United States Rules 10 (a) (b) Rule 11 See 28 U.S.C & 2101(a) (b) (c) (e) and (f) and Rule 13 (1) and Article V, Section 4(1) (2) (3), Appendix A-10/3/19 shows Per Curiam, Affirmed for Case# 4D18-3618

1. Reference to the Appendix to this petition will be made by the designation Exhibits C to G. follow by numbers

1. Appendix A- decision of State Courts of Appeals- On 1/9/19 Petitioner filed Initial Brief and Appendix Brief both were stricken by Appendix A. On 11/14/19 –Petitioner filed Petition of Writs of Certiorari, which was stricken by the Appendix A on 11/15/19.

2. Appendix B-decision of State Trial Court- witness Linda Davis pictures filed on 5/23/18. Petitioner's pictures were filed on 5/18/2018. Affidavit for Richard and Janice Baker filed on 5/16/18 and 5/22/18. Rebuttal Deposition on 7/26/18. 5/16/2018 filed Opposition to Motion of Summary Judgment. 11/29/18 filed a Rebuttal to Respondent Reply to Petitioner Opposition to Motion for Summary Judgment. 5/18/18 filed Interrogatories Questionnaire on white copy paper.

3. Appendix C- decision of Supreme Court of Florida- October 17, 2019- Supreme Court of Florida dismissed the Petitioner case due to lack of jurisdiction to review an elaborated decision from the Appendix A. Exhibit A B

F. CONSTITUTIONAL PROVISIONS AND LEGAL
PRINCIPALES INVOLVED

1. According to Article V, Florida Constitution, Section 4 (b)
 - (1) District Courts of the appeal shall have jurisdiction to hear appeals, that may be taken as a matter of right from final judgments orders of trial courts, including those entered on the review of administrative action, not directly appealable to the Supreme Court or a circuit court. They may review interlocutory orders in such cases to the extent provided by rules adopted by the Supreme Court. (2) District courts of appeal shall have the power of direct review of administrative action, as prescribed by general law. Exhibit A, B
2. A District Court of Appeal may issue a writ of mandamus, certiorari, Prohibition quo warranto, and other writs necessary to the complete exercise of its jurisdiction. To the extent necessary to dispose of all issues in a cause properly before it, a District Court of Appeal may exercise any of the appellate jurisdiction of the circuit courts. See Art. V., (b)(3). Fla Const; Fla R. App.(a) and 9.030 (b) (1) (a)(b) (c) (2) (a) (b) (3)(4) (a) (b).

G. STATEMENT OF CASE AND FACTS

1. Respondent is a Macy Department Store located in the Palm Beach Gardens Mall in Palm Beach Garden, Florida where invitees go to shop. This is where Petitioner new injuries took place on May 7, 2016, before Mother's Day.
2. A direct verdict is proper only when the record conclusively shows and absence of facts or inferences from facts to support a jury verdict, viewing the evidence in alight most favorable to Sear, Roebuck & Co v. McKenzie 502 So. 940,941 (Fla. 3d DCA 1987 the nonmoving party.
3. According to Shaw v. Cambridge Integrated Service Group, Inc 888, So. 2d 58, 63 (Fla. 4 DCA 2004). It states a spoliation claim compensates the Petitioner for the loss of recovery in the underlying case due to the Petitioner's inability to prove the case because of the lost or destroyed evidence and not for the bodily Injury sustain. Letter filed on 6/17/16 regarding surveillance camera, also Petitioner and witness Linda Davis Pictures of original set-up. Exhibit C, D, E, F, G

REASONS FOR GRANTING THE WRIT

1. The standard of review for an order granting summary judgment is de novo.” 5th Ave. Real Estate Dev., Inc. v. Aeacus Real Estate Ltd. P ’ship, 876 So 2d 1220, 1221 (Fla. 4th DCA 2004). “When reviewing a ruling on summary judgment, and appellate court must examine the record and any supporting affidavits in the light most favorable to the non-moving party.” Weinstein Design Group, Inc. v. Fielder, 884 So. 2d 990, 997 (Fla. 4th DCA 2004).
2. Summary Judgment cannot grant unless the pleadings, depositions, answer to interrogatories, and admissions on file together with affidavits, is any conclusively show that there is no genuine issue as to any material fact the moving party is entitled to a judgment as a matter of law. Fla. R. Civ. P. 1.510. at the burden is upon the party moving for summary judgment to show conclusively the complete absence of any genuine issue of material fact.” Albelo v. S. Bell, 682. So. 2d 1126, 1129 (Fla 4th DCA 1996).
3. Petitioner pro-se with ADA Accommodation, was denied the rights to be heard in court, and found the trial court abused its discretion in refusing to allow Petitioner to present argument at the hearing. See Love v. Gruner, 658 So. 2d 1180, 1181 (Fla. 4th DCA 1995 (it is an abuse of discretion for a trial court to deprive a party of an opportunity to be heard at a hearing; Phillips 66 Co, v Int’l Tele-Coin Co., 564 So. 2d 1219,1120 (Fla. 3d DCA 1990)

I CONCLUSION

1. The Petitioner pro-se, Janice Baker, who is competent and sound minded, would like for the U.S. Supreme Court to review case # 4D18-3618 from Appendix A, showing Exhibits C to G in Writ of Certiorari.

I hereby a copy of this Petition of Writ of Certiorari will be mailed to Attorney Robert J. Squire of Resnick & Louis P.C. at 444 Brickell Avenue, Suite 300 Miami, Florida 33131 on this 30th day of December 2019

December 30, 2019

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