



9-7643 ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES

FILED  
JAN 09 2020  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN RE: STEPHEN DANIEL LEONARD, Petitioner

ORIGINAL JURISDICTION  
28 U.S.C. § 1251(b)(3)

AMENDED PETITION FOR EXTRAORDINARY WRIT  
OF

HABEAS CORPUS  
28 U.S.C. § 1651(a)

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LEGAL

## QUESTIONS PRESENTED

- 1.) Did the State of Florida violate Petitioner's protected rights to Judicial Proceedings under Article IV, Section 1, and Amendment 6; of the United States Constitution when failing to allow Petitioner to call witnesses in his defense at an administrative disciplinary proceeding?
- 2.) Did the State of Florida deprive Petitioner of privileges and immunities of Citizens: Article IV; Section 2; Clause 1; of the United States Constitution, when denying Petitioner, an exiled former American Citizen, a compulsory process for obtaining witnesses in his favor during State administrative disciplinary proceeding?
- 3.) Did the State of Florida violate the Supreme Law of the Land Clause: Article VI, Clause 2 of the United States Constitution, when State disciplinary hearing team and warden allowed a disciplinary findings and actions to stand knowing prisoner did not get a right to call witness at prisoner's disciplinary hearing that prisoner requested be present? See also Amendment 14, Section 2, Amendment 6, U.S. Const.
- 4.) Did the State of Florida deprive Petitioner of liberty without due process of law and equal protection of the laws, Amendment XIV, Section 1 of the United States Constitution, when placing Petitioner in a Special Housing Unit (SHU) disciplinary confinement and taking incentive gain time good award credits upon State Correctional officer's false report(s) and unfair disciplinary administrative hearing(s) in violation of State's Administrative Code Rules of Conduct?
- 5.) Did the State of Florida violate Petitioner's right to liberty: Amendment XIV, Section 1 of the United States Constitution, when taking incentive gain time good award credits by using false report(s) and unfair State administrative disciplinary proceeding(s)?
- 6.) Is the Petitioner entitled to restoration of incentive gain time good award credits of 150 days which would entitle Petitioner to immediate release?

## LIST OF PARTIES

- 1.) Mark Inch, Secretary Florida Department of Corrections  
501 S. Calhoun Street, Tallahassee, Fla. 32399:  
c/o Legal Counsel: Kenneth Steely, Esq., Office of the General Counsel,  
F.D.C. 501 S. Calhoun Street, Tallahassee, Fla. 32399
- 2) Governor Ron DeSantis, State of Florida:  
The Capitol, Tallahassee, FL 32399
- 3) Ashley Moody, Florida Attorney General:  
The Capitol PL-01, Tallahassee, FL 32399

## STATEMENT ON RULE 20.1

### In Aid of Appellate Jurisdiction.

Petitioner; Stephen D. Leonard, respectfully moves to show that granting the petition for habeas corpus in this instance will be in aid of the Court's appellate jurisdiction, Cheney v. United States District Court for the District of Columbia, et. al., 542 U.S. 367, 380 (2004); United States v. Nixon, 418 U.S. 683, 696 (1974) (justifiable controversy).

### Exceptional Circumstances Warrant the Exercise of this Court's Discretionary Powers.

Petitioner moves to show exceptional circumstances in that Petitioner has on application to the C.J. filed a timely petition for habeas corpus (28 U.S.C. § 2254) on application to the C.J. of the United States District Court for the Middle District of Florida in: [Leonard v. Inch, 19-CV-01485/HLA/JBT] on January 31, 2019 but that Court has failed to respond or review the Petition pursuant to 28 U.S.C. § 2243 or Rule 4 of the Rules Governing Section 2254 Cases.

("The writ, or order to show cause shall be directed to the person having custody of the person detained. It shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed" (28 U.S.C. § 2243)).

(“The clerk must promptly forward the petition to a judge under the court’s assignment procedure, and the judge must promptly examine it.” (Rule 4, Rules Governing Section 2254 Cases)).

**Adequate Relief Cannot be Obtained in Any Other Form or From Any Other Court.**

Petitioner moves to show that adequate relief cannot be obtained in any other form or from any other court as Petitioner has exhausted State administrative remedies to no avail, and to continue to petition the State for review for their federal Constitutional errors or violations would be futile. See generally Aragon-Llanos v. United States, 556 Fed. Appx. 826, 829 (11<sup>th</sup> Cir. 2014) (“Due diligence ... does not require prisoner to undertake repeated exercises in futility or to exhaust every imaginable option, but rather to make reasonable efforts.” Aaron v. United States, 291 F.3d 708, 712 (11<sup>th</sup> Cir. 2002)).

**STATEMENT ON JURISDICTION**

Petitioner, Stephen Daniel Leonard, is an exiled, former Citizen of the United States of America, whom renounced his Citizenship in 2015, pursuant to 8 U.S.C. § 1481(a)(5), (6), while seeking political asylum under Article 14 of the Universal Declarations of Human Rights, in Canada July 2015 – August 2015.

Petitioner is an alien pursuant to 28 U.S.C. § 1251(b)(3), and hereby invokes this Honorable Court’s original jurisdiction to review the unlawful detention and issue the writ for release.

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## Appendix A

\*NOTE\* Reference: Exhibits filed in 17-CV-14248-RLR (U.S.D.C. S.D. Fla.)

1. Memo: In Re: P.R.E.A. Complaint (10/18/2017), 1 page.
2. Formal Grievance Log # 1712-404-063 (01/02/2017), 3 pages.
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4. Informal Grievance Log # 404-1801-028 (01/04/2018), 1 page
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7. Grievance Appeal Log # 18-6-04835 (02/07/2018), 2 pages.
8. Formal Grievance Log # 1806-404-042 (06/12/2018), 9 pages: (Requesting Protective Management from Reprisals/Retaliation).
9. Formal Grievance Log # 1806-404-111 (06/25/2018), 4 pages.
10. Informal Grievance Log # 404-1806-0250 (07/05/2018), 2 pages: (Reprisal Grievance from 06/26/2018).
11. Informal Grievance Log # 404-1806-0253 (07/05/2018), 2 pages: (Reprisal Grievance from 06/26/2018).
12. Informal Grievance Log # 404-1806-0254 (07/05/2018), 2 pages: (Reprisal Grievance from 06/26/2018).
13. Informal Grievance Log # 404-1807-0006 (07/08/2018), 2 pages: (Reprisal Grievance from 06/29/2018).
14. Grievance Appeal Log # 18-6-28052 (07/09/2018), 3 pages: (Reprisal Grievance from 06/26/2018).

15. Direct Grievance log # 18-6-28047 (07/13/2018). 2 pages: (Reprisal Grievance from 06/26/2018).
16. Direct Grievance log # 18-6-28048 (07/13/2018). 2 pages: (Reprisal Grievance from 06/26/2018).
17. Grievance Appeal Log # 18-6-28049 (07/13/2018), 3 pages: (Reprisal/Retaliation Grievance from 06/26/2018).
18. Disciplinary Report log # 404-180822 (07/03/2018), 1 page: (False Report Attempted Battery on a C/O written after O.C.I. officers beat inmate severely; while inmate was handcuffed, for filing complaints/grievances. D.R. was not prosecuted and dismissed by failure for want of prosecution).
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22. Formal Grievance Log # 1807-404-038 (07/26/2018), 4 pages: (Reprisal Grievance from 06/26/2018).
23. Formal Grievance Log # 1807-404-039 (07/26/2018), 4 pages: (Reprisal Grievance from 06/26/2018).
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25. Direct Grievance log # 18-6-33563 (08/14/2018). 2 pages: (Requesting leave to file for judicial remedies as next step in the process).
26. Grievance Appeal Log # 18-6-34331 (08/16/2018), 6 pages (Reprisal Grievance from 06/26/2018).
27. Grievance Appeal Log # 18-6-34332 (08/16/2018), 6 pages (Reprisal Grievance from 06/26/2018).
28. Grievance Appeal Log # 18-6-34334 (08/16/2018), 6 pages (Reprisal Grievance from 06/26/2018).
29. Grievance Appeal Log # 18-6-34350 (08/16/2018), 6 pages (Reprisal Grievance from 06/26/2018).
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32. Informal Grievance Log # 463-1901-0318 (01/30/2019), 2 pages: (Reprisal Grievance from 01/30/2019).
33. Direct Grievance log # 19-6-05042 (02/07/2019). 2 pages: (Reprisal Grievance from 06/26/2018).
34. Direct Grievance log # 19-6-06282 (02/12/2019). 3 pages: (Reprisal Grievance from 01/28/2019 and 01/30/2019).
35. Formal Grievance Log # 1902-463-093 (01/20/2019), 2 pages (Reprisal Grievance/Failure to Respond).

36. Formal Grievance Log # 1902-463-094 (02/20/2019), 4 pages: (Reprisal Grievance).

37. Direct Grievance log # 19-6-08221 (02/27/2019), 4 pages: (Reprisal Grievance/Failure to Respond).

38. Grievance Appeal Log # 19-6-08852 (03/05/2019), 8 pages (Reprisal Grievance).

39. Grievance Appeal Log # 1903-209-034 (03/13/2019), 3 pages: (Appeal of D.R. Log # 190106 – False Report from 01/31/2019 for filing Complaints and Grievances).

40. Grievance Appeal Log # 19-6-11754 (03/22/2019), 4 pages: (Appeal filed at the next step in the grievance process for failure to respond to appeal of D.R. log # 190106 at institutional level).

41. Memo: In Re: Missing Habeas Corpus Petition to U.S. District Court (03/22/2019), 1 page.

42. Formal Grievance log # 1904-120-042 (04/09/2019), 5 pages: (Re-filed D.R. Appeal per Tallahassee in Grievance Appeal log # 19-6-12039 (03/26/2019)).

43. Direct Grievance log # 1904-6-13518 (04/17/2019 – Responded to on 04/05/2019), 7 pages: (Appeal of D.R. log # 190106 and refiled D.R. log # ).

44. Formal Grievance log # 1904-120-049 (04/11/2019), 6 PAGES: (Failure to Respond).

45. Formal Grievance log # 1904-120-089 (05/07/2019), 3 pages: (False Report to D.R. log # 463-190106).

46. Grievance Appeal Log # 19-6-14872 (05/08/2019), 8 pages: (D.R. log # 463-190153/463-190106 Appeal).

47. Grievance Appeal log # 19-6-16448 (05/15/2019) – Responded to on 04/29/2019), 7 pages: (Failure to Respond).

48. Grievance Appeal log # 19-6-16455 (05/15/2019), 8 pages: (Reprisal Grievance).

49. Appeal to Governor Ron DeSantis (R-Florida) (06-17-2019), 6 pages: (Requesting Citizen's Assistance, pursuant to Fla. Stat. § 14.26 (2019), for oversight/investigations by the Florida Office of the Inspector General).

#### Appendix B

50. Judgment and Sentence of 60 months; (08-03-2016), 6 pages [2015-CF-00665-A-K-W]. (See Motion for Protective Order filed in 3d D.C.A. of Florida [3D16-2203/3D16-2298] on Appeal from 2015-CF-00665-A-K-W).

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IN THE  
SUPREME COURT OF THE UNITED STATES

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PETITION FOR WRIT OF HABEAS CORPUS

Petitioner respectfully prays that a Writ of Habeas Corpus issue to review the judgment below.

OPINIONS BELOW

For cases from federal courts:

See: Leonard v. Inch; 19-CV-00136-Paul Barbadoro/Andrea K. Johnstone, Habeas Corpus Case Filed 01-31-19 (Pending review 28 § 2243).

For cases from state courts:

See: Grievance Appeals exhausted to the Secretary of Florida Department of Corrections 2017, 2018, 2019.

JURISDICTION

The jurisdiction of this Court is invoked under 28 U.S.C. § 1251.

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Article IV Section 1 United States Constitution states:

Full Faith and Credit shall be given in each state to the Public Acts, Records, and judicial Proceedings of every other State; and the Congress may by general Laws Prescribe the manner in which such Acts, Records, and Proceedings shall be proved, and the effect thereof.”

Article IV, Section 2, Clause 1: United States Constitution – Privileges and immunities of Citizens.

“The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.”

Article VI, Clause 2: United States Constitution – Supreme law.

“This Constitution, and the Laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the Authority of the United States, shall be the Supreme Law of the Land, and the Judges in every State shall be bound thereby, any thing in the Constitution or Laws of any State to the contrary notwithstanding.”

Amendment 6: United States Constitution – Rights of the accused.

“In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and not be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.”

Amendment 14 Section 1: “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protections of the laws.”

§ 944.09: Florida Statutes (2015), Title XL VII Criminal Procedure and Corrections, Chapter 944. State Correctional System Rules of the department, Offenders, Probationers and Parolees.

“(1) The department has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement its statutory authority. The rules must include rules relating to:

(a) The rights of inmates.

(b) The conduct to be observed by inmates and the categories of violations according to degrees or levels of severity, as well as the degrees of punishment applicable and appropriate to such violations.

(c) Disciplinary procedures and punishment.

(d) Grievance procedures which shall conform to 42 U.S.C. § 1997(e).

(e) The operation and management of the correctional institution or facility and its personnel and functions.

(j) Conduct of custodial and other personnel.

(2) It is the duty of the wardens to supervise the governance, discipline, and policy of the state correctional institutions and to enforce all orders and rules.”

§ 944.275 Florida Statutes (2015), Title XL VII Criminal Procedure and Corrections, Chapter 944. State Correctional System, Gain-Time.

“The department is authorized to grant deductions from sentences in the form of gain time in order to encourage satisfactory prisoner behavior, to provide incentive for prisoners to participate in productive activities, and to reward prisoners who perform outstanding deeds or services.

(2)(a) The department shall establish for each prisoner sentenced to a term of years a “maximum sentence expiration date,” which shall be the date when the sentence or combines sentences imposed on a prisoner will expire. In establishing this date, the department shall reduce the total time to be served by any time lawfully credited.

(4)(a) As a means of encouraging satisfactory behavior, the department shall grant basic gain-time at the rate of 10 days for each month of each sentence imposed on a prisoner, subject to the following:

1. Portions of any sentences to be served concurrently shall be treated as a single sentence when determining basic gain-time.
2. Basic gain-time for a partial month shall be prorated on the basis of a 30-day month.
3. When a prisoner receives a new maximum sentence expiration date because of additional sentences imposed, basic gain-time shall be granted for the amount of time the maximum sentence expiration date was extended.

(b) For each month in which an inmate works diligently, participates in training, uses time constructively, or otherwise engages in positive activities, the department may grant incentive gain-time in accordance with this paragraph. The rate of incentive gain-time in effect on the date the inmate committed the offense which resulted in his or her incarceration shall be the inmate's rate of eligibility to earn incentive gain-time throughout the period of incarceration and shall not be altered by a subsequent change in the severity level of the offense for which the inmate was sentenced...

3. For sentences imposed for offenses committed on or after October 1, 1995, the department may grant up to 10 days per month of incentive gain-time.

(d) Notwithstanding the monthly maximum awards of incentive gain-time under subparagraphs (b)1., 2., and 3., the education program manager shall recommend, and the Department of Corrections may grant, a one-time award of 60 additional days of incentive gain-time to an inmate who is otherwise eligible and who successfully completes requirements for and is, or has been during the current commitment, awarded a high school equivalency diploma or vocational certificate. Under no circumstances may an inmate receive more than 60 days for educational attainment pursuant to this section.”

§ 944.28 Florida Statutes (2015), Title XL VII Criminal Procedure and Corrections, Chapter 944. State Correctional System, Forfeiture of gain-time and the right to earn gain-time in the future.

“(2)(a) All or any part of the gain-time earned by a prisoner according to the provisions of law is subject to forfeiture if such prisoner unsuccessfully attempts to escape; assaults another person; threatens or knowingly endangers the life or person of another person; refuses by action or word to carry out any instruction duly given to him or her; neglects to perform in a faithful, diligent, industrious, orderly, and peaceful manner the work, duties, and tasks assigned to him or her, is found by a court to have brought a frivolous suit, action, claim, proceeding, or appeal in any court; is found by a court to have knowingly or with reckless disregard for the truth brought false information or evidence before a court, or violates any law of the State or any rule or regulation of the department or institution.

(b) A prisoner's right to earn gain-time during all or any part of the remainder of the sentence or sentences under which he or she is imprisoned may be declared forfeited because of the seriousness of a single instance of misconduct or because of the seriousness of an accumulation of instances of misconduct.

(c) The method of declaring a forfeiture under paragraph (a) or paragraph (b) shall be as follows: A written charge shall be prepared, which shall specify each instance of misconduct upon which it is based and the appropriate date thereof. A copy of such charge shall be delivered to the prisoner, and he or she shall be given notice of a hearing before the disciplinary committee created under the authorization of rules herefore or hereafter adopted by the department for the institution in which he or she is confined. The prisoner shall be present at the hearing. If at such hearing the prisoner pleads guilty to the charge or if the committee determines that the prisoner is guilty thereof upon the basis of proof presented at such hearing, it shall find him or her guilty. If the committee considers that all or part of the prisoner's gain-time and the prisoner's right to earn gain-time during all or any part of the sentence or sentences under which he or she is imprisoned shall be forfeited, it shall so recommend in its written report. Such report shall be presented to the warden of the institution, who may approve such recommendation in whole or in part by endorsing such approval on the report. In the event of approval, the warden shall forward the report to the department. Thereupon, the department may, in its discretion, declare the forfeiture thus approved by the warden or any specified part thereof.

(3) Upon recommendation of the warden, the department may, in its discretion, restore all or any part of any gain-time forfeited under this section."

33-601.307, Florida Administrative Code (2017): Title 33 Department of Corrections; Division 33 Departmental; Chapter 33-601, Classification and Central Records; 33-601.307. Disciplinary Hearings, provides in pertinent parts:

"(1)(g) – If the inmates pleads "guilty", no further evidence needs to be heard. If the inmate pleads "not guilty", evidence is to be presented, including witness statement forms obtained from witnesses. If evidence is not revealed to the inmate, the reason(s) shall be documented in the comment section of Form DC6-112B, Witness Deposition Form, the Comment Section of Form DC6-2028, Deposition of Videotape/Audiotape Evidence, depending on the nature of the evidence, and in the witness comments section in the Department's automated database. ...

(2) The hearing officer or chairman of the disciplinary team has the authority to require the following actions:

- (a) That other supporting documents be presented;
- (b) That the employee filing the charge personally appear at the hearing;
- (c) That the investigating officer appear at the hearing;
- (d) That any witness(es) appear at the hearing;
- (e) That any other individuals appear at the hearing to clarify information of facts related to the disciplinary report; and

(f) That further investigation be conducted, or evidence presented, or statements presented of unavailable witnesses.

(3) The inmate may request that witnesses appear at the hearing, but inmate witnesses shall not be routinely called before the disciplinary team or hearing officer to provide live testimony for the following reasons:

(a) Multiple hearings are routinely scheduled at one time and the presence of witnesses during these hearings presents a potential security risk for the facility and safety of staff and inmates as well as a diversion of additional security staff from assigned posts.

(b) The routine presence of inmate witnesses during hearings would cause a disruption in the orderly operation of the facility, as it removes inmates from routine work assignments and programs.

(c) The testimony of witnesses requested by the charged inmate shall be presented at the hearing through Form DC6-112B, Witness Statement Form, unless the inmate:

1. Has completed and signed the witness request form during the investigation;

2. Makes a request at the hearing for a witness to appear to provide live testimony; and

3. The disciplinary team or hearing officer determines that the reason provided by the charged inmate for requesting live testimony overcomes the burden on institutional staff caused by the retrieval and escort of live witnesses as well as

the diversion of security staff from assigned posts due to the potential security risk that may result from the appearance of live inmate witnesses and the disruption to the assignments and activities of inmate witnesses. ...

(e) Additional witnesses. A request for an additional witness who was not listed on the witness request form will be granted if the inmate makes the request at hearing for the additional witness, the expected testimony proffered by the charged inmate indicates that the testimony is material, relevant, and non-repetitive and the inmate presents extraordinary circumstances which prevented him from naming the witness during the investigation. The testimony of the additional witness shall be presented by written statement unless the procedure of paragraph 33-601.307(3)(c), F.A.C., is followed.

33-208.002, Florida Administrative Code (2017): Title 33 Department of Corrections; Division 33 Departmental; Chapter 33-208 Personnel; Rules of Conduct, provides in pertinent parts:

“(12) No employee shall falsify reports or records. ...”

“(19) No employee shall knowingly submit inaccurate or untruthful information for or on any Department of Corrections record, report or document.”

## STATEMENT OF THE CASE

Petitioner; Stephen D. Leonard, is a prisoner of the Florida Department of Corrections at Cross City Correctional Institution. While Petitioner was housed at Okeechobee Correctional Institution (O.C.I.) between March 15, 2017 and July 09, 2018, Petitioner was filing grievances against O.C.I. officers, staff, and administrators for violations of State and Federal laws; i.e. Medical Neglect, Abuse of Power, Corruption, Excessive Use of Force, False Reports, Unfair Administrative Disciplinary Hearings, Denial of Meals, Denial of Access to the Courts, Threats, Harassment, Reprisals, etc. (See Leonard v. Florida, et. al., 17-CV-14248-RLR), 2018 U.S. Dist. LEXIS 42259 (S.D. Fla. Mar. 13, 2018); 2018 U.S. App. LEXIS 16232 (11<sup>th</sup> Cir. Fla. 2018).

Between June 2017 and October, 2017, F.D.C. O.C.I. staff and/or officers wrote 3 false reports, in violation of 33-208.002(12), (19) F.A.C., arrested, confined, convicted, and deprived Petitioner of Liberty and good-time “incentive” gain-time credits without due process of law in violation of the 6<sup>th</sup> and 14<sup>th</sup> Amendments to the United States Constitution. More specifically, F.D.C. and O.C.I. officers and staff failed to allow Petitioner a compulsory process to call witnesses he listed and requested their presence at the administrative disciplinary hearings on three separate dates: June 08, 2017; June 13, 2017; and October 30, 2017. As a result, Petitioner was convicted, and sentenced to disciplinary confinement and loss of good-time “incentive” gain-time credits totaling 90 days.

Petitioner individually appealed each of the F.D.C. findings and actions from the administrative hearings, and, additionally, filed separate grievances concerning the unlawful and unconstitutional acts, actions, and/or in-actions of F.D.C. and O.C.I. employees in violation of the F.D.C. Rules of Conduct, State and Federal laws. (See Leonard v. Florida, 2019 U.S. Dist. LEXIS 31607 (S.D. Fla. 2019).

On January 31, 2019, while incarcerated at Dade Correctional Institution (O.C.I.), Petitioner was subjected to a false report by F.D.C. O.C.I. officers and staff for having filed grievances against Sgt. M. Speights and Asst. Chaplain J. Godbolt. (See attached grievances; DC6-236 Form, Inmate Request/Informal Grievance; DC1-303 Form, Inmate Grievance.); See also 33-208.002(12), (19), F.A.C. Petitioner was arrested and confined as reprisal.

On February 21, 2019 Petitioner was convicted, and deprived of liberty and 30 days good-time "incentive" gain-time credits without due process of law in violation of the 6<sup>th</sup> and 14<sup>th</sup> Amendments to the United States Constitution. More specifically, F.D.C. and O.C.I. officers and staff failed to allow Petitioner a compulsory process to call witnesses he listed and requested be present at the administrative disciplinary hearing on February 21, 2019. (See Leonard v. Florida, 19-CV-20527-RNS). See pending Extraordinary Writ Case No: 19-6874 U.S. Supreme Court.

Had F.D.C. not denied Petitioner the right to call witnesses that he properly listed and requested be present; on Form DC6-112B; Form DC6-151; and allowed Videotape/Audiotape Evidence on Form DC6-2028, the outcome of the

administrative disciplinary hearings on: June 08 and June 13, 2017; October 30, 2017; and February 21, 2019 would have been very different, Petitioner would not have been confined and the good-time incentive gain-time credits would not have been taken, and Petitioner would have been released from F.D.C. custody December 14, 2019.

## REASONS FOR GRANTING THE PETITION

I. Petitioner is entitled to be free from false reports being written by F.D.C. employees. See 33-208.002(12), (19); Rentas v. Ruffin, 816 F.3d 214, 220-22 (.2d Cir. 2016); Williams v. City of Boston, 771 F. Supp.2d 190, 203-204 (D. Mass 2011); Larkins v. Pylack, 2009 U.S. Dist. LEXIS 18341 (E.D. Mich. 2009); Smith v. City of Oakland, 538 F. Supp.2d 1217, 1233-40 (N.D. Cal. 2008); King v. Arbic, 159 Mich. App. 452, 406 N.W.2d 852 (1987); Surprenant v. Rivas, 424 F.3d 5, 22-24 (1<sup>st</sup> Cir. 2005).

II. Petitioner is entitled to “Full faith and Credit” protections during judicial proceedings in State Administrative Hearing. See Art. IV § 1 U.S. Const.

III. Petitioner is entitled to “All Privileges and Immunities of Citizens in the Several States.” See Art. IV § 2, Cl. 1 U.S. Const.

IV. Petitioner is entitled “to have Compulsory Process for Obtaining Witnesses in His Favor”. See Am. 6, U.S. Const.; Baker v. General Motor Corporation, 522 U.S. 222, 222 (1998); Pointer v. Texas, 380 U.S. 400, 403-04 (1965); Wolff v. McDonell, 418 U.S. 539, 555-70 (1974); Pizzuto v. County of Nassau, 240 F. Supp.2d 203, 214-15 (E.D. N.Y. 2002); Miranda v. Coutee, 334 Ill. App.3d 1057, 779 N.E. 929, 931-33 (2002); Jones v. Department of Corrections, 359 N.J. Super. 70, 819 A.2d 1, 3-5 (App. Div. 2003).

V. Petitioner is entitled to "due process" and "equal protection of the laws" during an administrative disciplinary hearing while in State Prison. See Am. 14, U.S. Const.: Haines v. Kerner, 404 U.S. 519, 520 (1972); Wilwording v. Swenson, 404 U.S. 249, 249(1971); Screws v. United States, 325 U.S. 91, 91 (1945); Preiser v. Rodriguez, 411 U.S. 475, 477-99 (1973); Dent v. West Virginia, 129 U.S. 114, 123 (1899); Surprenant v. Rivas, 424 F.3d 5, 22-24 (1<sup>st</sup> Cir. 2005).

VI. Petitioner is an alien entitled to protections under Amendment 14 of the United States Constitution. Home Insurance Company v. Dick, 281 U.S. U.S. 397, 410-11 (1930); Greenholtz v. Inmates of Nebraska Penal and Correctional Complex, 442 U.S. 1, 7 (1979).

VII. Petitioner is entitled to protections of his Constitutional rights "and the Judges in every State shall be bound thereby" under the supremacy clause of Art. VI § 2, U.S. Const. Whitfield v. Ohio, 297 U.S. 431, 431 (1936).

VIII. Petitioner is entitled to good-time incentive gain-time awards under Florida Law and Federal Court holdings. See Fla. Stat. §§ 944.275, 944.28; see also Morrissey v. Brewer, 408 U.S. 471, 471 (1972); Gagnon v. Scarpelli, 411 U.S. 778, 778 (1973); Weaver v. Graham, 450 U.S. 24, 24 (1981); Kring v. Missouri, 107 U.S.

221 (1883); Raske v. Martinez, 876 F.2d 1496, 1496 (11<sup>th</sup> Cir), cert denied 493 U.S. 993 (1989); see generally Waldrup v. Dugger, 562 So. 2d 687 (Fla. 1990).

### CONCLUSION

The Writ for habeas corpus should be granted. 28 U.S.C. § 2254.

Respectfully submitted,

/s/   
Stephen Daniel Leonard # 448091  
568 N.E. 255<sup>th</sup> Street  
Cross City, Florida 32628

Petitioner

Date: January 29, 2020.  
Refiled January 29<sup>th</sup>, 2020.

**Additional material  
from this filing is  
available in the  
Clerk's Office.**