

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Hailey Kyle Vallier — PETITIONER
(Your Name)

vs.
Florida Department of
Children and Families, et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Second District Court of Appeal of Florida
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Hailey Kyle Vallier
(Your Name)

6901 State Road 62
(Address)

Bowling Green, FL 33834
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

QUESTION ONE

Is it a denial of constitutional due process when a pro se litigant is prejudiced by an appellate court simply by virtue of the fact that the appellate court ruled the pro se litigant's petition as unauthorized as untimely when in fact, prima facie, the litigant's petition is timely?

QUESTION TWO

If so, then how can the appellate court be corrected when that very appellate court breaks the very appellate court rules that are to govern the appellate judicial proceedings accordingly?

QUESTION THREE

In light of the above, what is then the proper recourse of such unlawful action taken by an appellate court not willing to abide by its own appellate court rules, denies rehearing and clarification, and furthermore issues a per curiam opinion against the petitioner which then causes the State's highest court to lack jurisdiction, due to an unelaborated decision made by the appellate court?

QUESTION FOUR

Does a petition (for writ of habeas corpus) alleging the ineffective assistance of appellate counsel, pursuant to Florida Rule of Appellate Procedure 9.141(d), become moot once the child is, who is subject of the appeal at issue in such petition, adopted contrary to legislative intent due to the unlawful termination of parental rights to the child?

QUESTION FIVE

If so, then how can an adoption of a child moot a petition alleging the ineffective assistance of appellate counsel when the parent instituting such petition is still within the time frames to present such litigation to an appellate court in conformance with the appellate rules, invoked under its original jurisdiction, thus causing procedural deficiencies that must be awarded under due process regardless of an adoption judgment or principles regarding mootness as the live controversy still continues?

QUESTION SIX

Is it then unconstitutional to deny a pro se litigant + due process, in whom invokes a timely petition warranted and authorized under such appellate procedures described above?

QUESTION SEVEN

Is it fundamentally unfair for the parent, as a pro se litigant representing his child's best interest to, in whom invokes such a petition alleging the ineffective assistance of appellate counsel, be denied any knowledge as to the custody status of his child for the purpose of his petition being filed in a timely manner before any adoption judgment occurs?

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:

- The Florida Department of Children and Families
- The Florida Statewide Guardian ad Litem Program
- Thomas J. Butler, Esq., Appellate Counsel

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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-1 to the petition and is

☐ reported at _____; or,
☒ has been designated for publication but is not yet reported; or,
☐ is unpublished. *Petitioner has limited access to immediate publication.

The opinion of the Florida Court of Appeal, 2nd District court appears at Appendix A3/13 to the petition and is

☐ reported at _____; or,
☒ has been designated for publication but is not yet reported; or,
☐ is unpublished. *Petitioner has limited access to immediate publication.

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 October 22, 2019.
A copy of that decision appears at Appendix B-1 ..

☐ 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 _____ (date) in Application No. ____ A _____.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- The Constitution of the United States

Amendment XIV [1868]

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 or 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 protection of the laws.

Article 1

Section 9. The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

- The Constitution of the State of Florida

Article 1

Section 2. Basic rights. - All natural persons, female and male alike, are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess and protect property; except that the ownership, inheritance, disposition and possession of real property by aliens ineligible for citizenship may be regulated or prohibited by law. No person shall be deprived of any right because of race, religion, national origin, or physical disability.

Section 9. Due Process. — No person shall be deprived of life, liberty or property without due process of law, or be twice put in jeopardy for the same offense, or be compelled in any criminal matter to be a witness against oneself.

Section 13. Habeas Corpus. — The writ of habeas corpus shall be grantable of right, freely and without cost. It shall be returnable without delay, and shall never be suspended unless, in case of rebellion or invasion, suspension is essential to the public safety.

Section 23. Right of Privacy. — Every natural person has the right to be let alone and free from government intrusion into the person's private life except as otherwise provided herein. This section shall not be construed to limit the public's right of access to public records and meetings as provided by law.

• Chapter 79 (Florida) — Habeas Corpus

79.01 Application and writ. — When any person detained in custody, whether charged with a criminal offense or not, applies to the Supreme Court or any justice thereof, or to any district court of appeal or any judge thereof or to any circuit judge for a writ of habeas corpus and shows by affidavit or evidence probable cause to believe that he or she is detained without lawful authority, the court, justice, or judge to whom such application is made shall grant the writ forthwith, against the person in whose custody the applicant is detained and returnable immediately before any of the courts, justices, or judges as the writ directs.

• Florida Rule of Judicial Administration 2.514

Computing and Extending Time. (a) Computing Time.

The following rules apply in computing time periods specified in any rule of procedure, local rule, court order, or statute that does not specify a method of computing time. (1) Period Stated in Days or a Longer Unit. When the period is stated in days or a longer unit of time: (A) begin counting from the next day that is not a Saturday, Sunday, or legal holiday; (B) count every day, including intermediate Saturdays, Sundays, and legal holidays; and (C) include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday or falls within any period of time extended through an order of the chief justice under Florida Rule of Judicial Administration 2.205(a)(2)(B)(iv), the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday and does not fall within any period of time extended through an order of the chief justice.

(b) Additional Time after Service by Mail. When a party may or must act within a specified time after service and service is made by mail, 5 days are added after the period that would otherwise expire under subdivision (a).

• Florida Rule of Appellate Procedure 9.010

"... The Florida Rules of Judicial Administration are applicable in all proceedings governed by these rules, except as otherwise provided by these rules. These rules shall supersede all conflicting statutes and, as provided in Florida Rule of Judicial Administration 2.130, all conflicting rules of procedure.

• Florida Rule of Appellate Procedure 9.111(d) Petitions Alleging Ineffective Assistance of Appellate Counsel. (1) Applicability. This subdivision governs petitions alleging ineffective assistance of

appellate counsel. (2) Treatment as Original Proceedings. Review proceedings under this subdivision shall be treated as original proceedings under rule 9.100, except as modified by this rule. (3) Forum. Petitions alleging ineffective assistance of appellate counsel shall be filed in the court to which the appeal was taken. (4) Contents. The petition shall be in the form prescribed by rule 9.100, may include supporting documents, and shall recite in the Statement of Facts: (A) the date and nature of the lower tribunal order subject to the disputed appeal; (B) the name of the lower tribunal rendering the order; (C) the nature, disposition, and dates of all previous court proceedings; (D) if a previous petition was filed, the reason the claim in the present petition was not raised previously; (E) the nature of the relief sought; and (F) the specific acts sworn to by the petitioner or petitioners counsel that constitute the alleged ineffective assistance of counsel. (5) Time Limits. A petition alleging ineffective assistance of appellate counsel on direct review shall not be filed more than 2 years after the judgment and sentence become final on direct review unless it alleges under oath with a specific factual basis that the petitioner was affirmatively misled about the results of the appeal by counsel. In no case shall a petition alleging ineffective assistance of appellate counsel on direct review be filed more than 4 years after the judgment and sentence become final on direct review. (6) Procedure. (A) The petitioner shall serve a copy of the petition on the attorney general. (B) The court may by order identify any provision of this rule that the petition fails to satisfy and, pursuant to rule 9.040 (d), allow the petitioner a specified time to serve an amended petition. (C) The court may dismiss a second or successive petition if it does not allege new grounds and the prior determination was on the merits, or if a failure to assert the grounds was an abuse of pr-

cedure

- Florida Rule of Appellate Procedure 9.420 Filing; Service of Copies; Computation of Time (a) Filing. (2) Inmate Filing. The filing date of a document filed by a prose inmate confined in an institution shall be presumed to be the date it is stamped for filing by the clerk of the court, except as follows: (A) the document shall be presumed to be filed on the date the inmate places it in the hands of an institutional official for mailing if the institution has a system designed for legal mail, the inmate uses that system, and the institutions system records that date; or (B) the document shall be presumed to be filed on the date reflected on a certificate of service contained in the document if the certificate is in substantially the form prescribed by subdivision (d)(1) of this rule and either: (i) the institution does not have a system designed for legal mail; or (ii) the inmate used the institutions system designed for legal mail, if any, but the institutions system does not provide for a way to record the date the inmate places the document in the hands of an institutional official for mailing.

STATEMENT OF THE CASE

The petitioner/parent to O.R.T., a minor child, DOB 2014, in this case petitions this Supreme Court for a writ of certiorari to review the record of the Florida Supreme Court

_____ (SC19-1805), and, more important-ly, the Second District Court of Appeal of Florida (2019-2927).

On July 25, 2019, the petitioner Filed/submitted a petition (for writ of habeas corpus) alleging the ineffective assistance of appellate counsel pursuant to Florida Rule of Appellate Procedure 9.141(d) in the original jurisdiction of the appellate court. The petitioner also served a true and correct copy of the petition to the opposing parties, Florida Department of Children and Families ("DCF") and the Statewide Guardian ad Litem Office ("GAL"), and an additional copy was submitted to appellate counsel for appellant, Thomas J. Butler, Esq. This was in conformance with Florida Rule of Appellate Procedure 9.141(d)(6)(A) as since the case was civil and not criminal in nature, instead of an Attorney General being served a true and correct copy of the petition, the departments aforementioned were served. Both departments filed their notice of appearances on August 2, 2019 (DCF) and August 6, 2019 (GAL). (See Appendix "A-7" and "A-8").

The petition was date stamped on July 25, 2019 for mailing by Harder Correctional Institution pursuant to FI

Florida Rule of Appellate Procedure 9.420(a)(2)(A) and (B).

The petitioner seeks for the district court to order a new appeal from the appeal at issue in the petition. The appeal (2016-5167) at issue was the direct appeal from the unlawful Final Judgment of Termination of Parental Rights and Permanent Commitment and Disposition rendered September 27, 2016 in the Circuit Court of the Twentieth Judicial Circuit in and for Charlotte County, Florida, Trial No. 14-78D, ordered and adjudged by Leigh Frizzell Hayes. These string of cases were eventually carried to this Supreme Court previously in Docket # 17-6547.

The ground to the petition is that the appellate court should have never granted appellate counsel's motion to withdraw as counsel. The appellate court granted appellate counsel's motion to withdraw on a non-conditional basis before the appellate court ever received a pro se initial brief by appellant. After the court was in receipt of the pro se initial brief and after consideration the court ruled that the appeal would not be subjected to summary affirmance, as previously warned, because the arguments presented a preliminary basis for reversal of the order being appealed (the unlawful termination order). Therefore, the court granted the case to proceed through a full briefing schedule. The appellate court should have treated appellate counsel's motion to withdraw on a conditional basis without ruling on the motion yet, and since a preliminary basis for reversal of the order being appealed was demonstrated after the submission of the pro se initial brief, the court then should have denied appellate counsel's motion to withdraw and order a supplemental brief by counsel. The court never afforded the appellant new counsel after with-

drawal was prematurely granted, even though the appellant moved for new counsel, and was denied, previous to the filing of the pro se initial brief. The judicial procedures and the interpretation and application of such methods in and at law in support of petitioner's argument are cited from a case originating from the same exact appellate district court cited at Lawson v. State, 35 So.3d 112 (Fla. 2nd DCA 2010).

On September 9, 2019, the appellate court never ruled on the merits of the petition at issue, and denied it on an unmeritorious procedural basis, ruling that the petition was unauthorized as untimely. (See Appendix "A-3") The petition was timely, prima facie, contrary to the court's order. On September 20, 2019, petitioner timely submitted a motion for rehearing and clarification to the appellate court that was also then denied to petitioner on October 11, 2019, thus further violating his constitutional right to due process. As far as the petitioner is aware, a Mandate was never issued by the appellate court in case 2019-2927, as petitioner has never received any such Mandate via U.S. Mail from the clerk. On January 2, 2020, petitioner has since wrote a letter to the clerk of the appellate court with regards to whether or not the Mandate has or will be issued. (See Appendix "A-12") See Question One, Question Two, Question Three, and Question Six.

On October 18, 2019, the petitioner timely submitted a notice to invoke the discretionary jurisdiction of the Florida Supreme Court, with which was acknowledged by the district court clerk on October 21, 2019, and discre-

tionary review was denied by the Florida Supreme Court on October 22, 2019. (SC19-1805) (See Appendix "A-14" and "B-1")

This will be the third time petitioner has timely invoked the jurisdiction of this Supreme Court stemming from the unlawful termination of his parental rights to G.R.T. under F.S. 39.806(3)(m) due to insufficient evidence presented at trial, and unlawful release and adoption of said child. The first case involved Docket #17-6547. The petitioner was just recently submitted his second petition for writ of certiorari to this Supreme Court on October 30, 2019, and then was resubmitted December 18, 2019 with a docket assignment still pending. This third case now ensues.

REASONS FOR GRANTING THE PETITION

I. The Second District Court of Appeal of Florida is in violation of its own court rules, because the appellate court denied the parent's petition as unauthorized as untimely when in fact, prima facie, the parent's petition is timely. This is a blatant denial of the parent's constitutional rights to due process. Additionally, the petition instituted via original jurisdiction of the appellate court cannot be rendered moot due to the alleged adoption of the child, because the parent still has a procedural right to timely petition the appellate court under such warranted and authorized procedure.

This case before the Supreme Court today raises a Federal question as to whether or not it is a denial of the parent's constitutional due process right when the appellate court, in whom the parent petitioned, ruled his petitioned as unauthorized as untimely, when in fact, prima facie, the parent's petition is indeed timely. In addition, another Federal question is raised as to whether or not the adoption of the child moots such petition that is authorized and warranted to the parent especially when the parent is still within the time frames to petition and to be heard by the appellate court under its original jurisdiction through such authorized procedure. The issues on mootness are similarly situated in another case just recently assailed to this Supreme Court on October 30, 2019 and resubmitted December 18, 2019 by the same petitioner/parent in this

case, pending docket assignment. See Question Four, Question Five, and Question Seven.

This argument has been adopted, in part, from the argument on rehearing and clarification in the Second District Court of Appeal of Florida (2019-2021), before the record was assailed to the Florida Supreme Court (SC19-1805) wherein discretionary review was denied to the parent. The actual merits of the habeas petition at issue are not addressed here nor argued in this petition, however, a brief statements of fact were addressed in the 'Statement of Case' to this petition. The parent has appended (See Appendix A Entirely) prima facie evidence to this petition blatantly proving where the parent's fundamental due process rights under the fourteenth amendment were clearly violated by the Second District Court of Appeal of Florida. The district court was also in violation of its own court rules and in violation of its own precedent in established/controlling case law originating out of its own district, and with which was also opinionated and concurred by two of three appellate judges sitting on the panel of those decisions that have also presided over the very appellate case that is at issue here.

The inextinguishable fact of the issues of this case are that the petitioner, the parent, indeed timely filed his petition for writ of habeas corpus alleging the ineffective assistance of appellate counsel pursuant to Florida Rule of Appellate Procedure 9.141(d). The two year time limitation, pursuant to Florida Rule of Appellate Procedure 9.141(d)(5), starts to run from the date after the Mandate was issued in the direct appeal at issue in a petition alleging the ineffective

assistance of appellate counsel. See Lawson v. State, 35 So. 3d 112 (Fla. 2nd DCA 2010) ("[h]is judgment and sentences became final on the date of this court's mandate issued in his direct appeal.") (emphasis supplied); Written opinion by NORTHCUTT concurred by LAROSE, in whom are two of the three appellate judges presiding over the very appeal at issue in this instance derived from the petition alleging the ineffective assistance of appellate counsel that is at issue in this petition for writ of certiorari.

See also the same decisio in these following cases p-
ertaining to such matters in support of this argument on
behalf of petitioner: Miller v. State, 2019 Fla. App. LEXIS
5826 (Fla. 2nd DCA 2019); Lopez v. Joiner, 256 So. 3d 2-
02, n. 3 (Fla. 3rd DCA 2018); Campbell v. Commercial Serv.
of Perni, Inc., 949 So. 2d 259, 260 (Fla. 4th DCA 2007);
Dixon v. State, 730 So. 2d 265, 267, n. 3 (Fla. 1999); Will-
iams v. State, 126 So. 3d 264 (Fla. 3rd DCA 2010); Haines
v. Black Diamond Props, 2015 Fla. App. LEXIS 15759 (Fla.
5th DCA 2015); Amendments to Fla. Rules of Crim. Procedure
Creating Rule 3.853 (DNA testing), 807 So. 2d 633, 649 (Fla.
2001); Beatty v. State, 701 So. 2d 856, 857 (Fla. 1997).

Here, the Mandate to appellate case 2016-5167 (wh-
ich was assigned to this Supreme Court in Docket #17-6547)
was issued on July 25, 2017 (See Appendix "A-6") out of the
Second District Court of Appeal of Florida, and the parent
had his petition alleging the ineffective assistance of appella-
te counsel date stamped for mailing on July 25, 2019; E-
xactly two hundred (270) seventy calendar days from the
day the Mandate issued (See Appendix "A-4", "A-5", "A-9",
"A-10", and "A-11"). These facts stand prima facie, true

and correct, and are incontrovertibly in conformance with the two year time requirement pursuant to Florida Rule of Appellate Procedure 9.141(d)(5). The Second District Court of Appeal of Florida then ruled against the parent making citation to the exact procedure (Florida Rule of Appellate Procedure 9.141(d)(5)) that the parent was in conformance with from the beginning of the appellate case (See Appendix "A-13") as basis for denial.

An important fact to consider here also is that when the Clerk of the Second District Court of Appeal of Florida filed the Acknowledgment of New Case dated August 1, 2019 in appellate case 2019-2927, the Clerk indicated that the petition alleging the ineffective assistance of appellate counsel was reflecting a filing date of August 29, 2019 exactly twenty (28) eight calendar days "into the future" from the date the Clerk issued its acknowledgment of new case and the envelope post-marked August 1, 2019 that the clerk mailed to the petitioner containing the acknowledgment. (See Appendix "A-1" and "A-2"). This is blatant, discrepant material on the Clerk's part and the parent also pointed this fact out to the district court on rehearing and clarification which was also denied to the parent. The parent also argued that this discrepancy may have also led to an erroneous decision made by the appellate court.

Furthermore, the parent is correct to argue that the date from with which the correctional institution, wherein he is currently incarcerated at, date stamped his petition alleging the ineffective assistance of appellate counsel for mailing is the date that it is presumed filed with the

clerk of the appellate court where he submitted the petition to. This is controlled in Florida Rule of Appellate procedure 9.420 (a) (2) (A) and (B) and Florida Rule of Judicial Administration 2.514 and is established as a controlling and binding Florida Supreme Court precedent cited at Haag v. State, 591 So. 2d 614 (Fla. 1992). The date of when the clerk is in receipt of the petition is irrelevant as long as the petition is date stamped for mailing within the time requirements, therefore, the petition is deemed timely regardless on any which date thereafter the clerk received the petition. The parent also cited these authorities on rehearing and clarification in the district court to no avail, and furthermore initially certified that the petition was in compliance with such procedures. (See Appendix "A-11")

There is also a large controversy surrounding this case. Here, the parent cannot be procedurally barred from being heard on his petition alleging the ineffective assistance of appellate counsel as the Florida Constitution warrants him the right to such procedural grounds to be construed in harmony with Florida's Due Process Clause. (See Florida Constitution, Article 1; Section 9) and even more so with the U.S. Constitution, 14th Amendment. The district court must rule on the merits of the petition, yet the district court has denied it on an unmeritorious procedural basis. Under Florida's due process clause, the parent must be heard on his timely petition alleging the ineffective assistance of appellate counsel pursuant to Florida Rule of Appellate Procedure 9.141 (d). Now, if the district court were to grant the parent's petition, the district court would have a compelled performance to grant the parent a new direct appeal. Or

With this said, the Florida court system cannot moot any of those procedures simply because the child was allegedly adopted on October 12, 2018. Otherwise, this would warrant an unconstitutional procedural deficiency. The Florida courts must afford the parent a procedural right to be heard on appeal once again if granted by the district court. These arguments were already presented to the Florida courts, and is currently being litigated in this Supreme Court on petition for writ of certiorari submitted to this Supreme Court on October 30, 2019 and resubmitted on December 18, 2019 pending docket assignment. (On the argument where the parent filed a state petition for writ of habeas corpus in the trial court collaterally attacking the unlawful custody of his child as a result of an illegal termination of parental rights judgment and subsequent illegal adoption judgment of the child, contrary to legislative intent, and on argument on whether or not such habeas petition is rendered moot after the court allegedly loses juvenile jurisdiction over the child as a result of an alleged illegal adoption, because the child was never legally released for such adoption to begin with.)

It is without a shadow of a doubt that the district court must rule on the merits of the parent's petition alleging the ineffective assistance of appellate counsel as it is timely and thus cannot be denied on any procedural basis. As cited previously that same district court wrote that the judgment and sentence becomes final on the date the mandate issues. The term "judgment and sentence" was underlined and emphasized in the district court's order. (See Appendix "A-13"). As if the district court may have presumably inferred that such termination orders are not constituted

as a "final judgment and sentence" to be applicable for review under a petition for alleging ineffective assistance of appellate counsel, and in case the district court may have made an attempt at such inference, the 'Final Judgment of Termination of Parental Rights and Permanent Commitment and Disposition' issued September 27, 2016 of trial number 14-78D in the Circuit Court of the Twentieth Judicial Circuit in and for Charlotte County, Florida does indeed constitute a "judgment and sentence" as it was the final consideration and determination by the trial court, handed down by a circuit judge (Leigh Frizzell Hayes), of the rights of the parties, as those rights presently exist, upon matters submitted to it in an action or proceeding, such as an appeal or an original proceeding, that are indeed applicable for review under Florida Rule of Appellate Procedure 9.141(d)(1). See 30A Am. J. Rev. ed. Judgm.; More precisely, the conclusion of law upon matters contained in record, or the application of the law to the pleadings and to the facts as they appear by the parties, or as deemed to exist upon their default in the course of judicial proceedings. See State ex rel. McDonald v. Lollis, 326 Mo. 644, 33 SW2d 98.

Accordingly, the proponents of the proposed rules maintain that these provisions are either procedural in nature or within the appellate court's constitutional authority to issue writs of habeas corpus under Article ~~1~~¹; Section ~~8~~¹³ of the ~~74~~ Florida Constitution. Relief under Florida Rule of Appellate Procedure 9.141(d) indeed authorizes the appellate court to issue the relief requested by the petitioner under its original jurisdiction. See Florida Rule of Appellate Procedure 9.141(d)(2).

And again, fact prima facie, the Mandate issued July 25, 2017 (2016-5167) and the parent had his petition date stamped for mailing on July 25, 2019 by Hardee Correctional Institution, thus the court and parties were timely served; Two years exact within the two year time requirement pursuant to Florida Rule of Appellate Procedure 9.141(d)(5), not including the additional five (5) days that the parent is granted under the mailbox rule pursuant to Florida Rule of Judicial Administration 2.514(b) in with which to submit his petition to the court.

If this Supreme Court grants certiorari, then the district court will be compelled to perform appropriately thus further compelled to abide by their own court rules/procedures and hearing and ruling on the merits of the timely habeas corpus petition at issue which has been invoked in the district court's original jurisdiction. Furthermore, upon such grant, the Due Process Clause of the Florida Constitution will no longer be vitiated under the circumstances of this case and will then be duly afforded to the parent as a right under the fourteenth amendment to the U.S. Constitution where such sufficiency of the reservation of rights exist.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Heiley Kyle Vallier

Date: January 15, 2020.

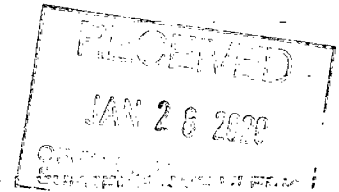
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No. _____
(TO BE SUPPLIED BY CLERK'S OFFICE)

IN THE
SUPREME COURT OF THE UNITED STATES

H.K.V.,
PETITIONER

V.S.



FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES,
ET AL.
RESPONDENT (S)

NOTICE

PLEASE TAKE NOTICE that I, Hailey Kyle Vallier, petitioner in the above entitled case, takes and enters this notice, clarifying with this Supreme Court and the parties involved that, with regards to the petition for writ of certiorari that was submitted January 15, 2020, an error has occurred appearing on Page 14 of the aforementioned petition bearing the incorrect unit of days reading: "[+]wo hundred (270) seventy calendar days..." and is hereby corrected to read: "[S]even hundred (730) thirty calendar days..."; thus eliminating the discrepancy.

A separate proof of service for this notice is attached hereto.

Executed and signed on this 16th day of Jan.,
2020.

Respectfully Submitted,

Hailey Kyle Vallier

Hailey Kyle Vallier, Y 51633

Petitioner, Father of O.R.T., Prose.

6901 State Road 62

Bowling Green, FL 33834

Attachments (Proof of Service)