

19-8028

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

TYLER JEROME GORE — PETITIONER
(Your Name)

VS.

FLORIDA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

FLORIDA

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

PETITION FOR WRIT OF CERTIORARI

TYLER JEROME GORE, DC # U12435
(Your Name)

WAKULLA CORRECTIONAL INSTITUTION
110 MELALEUCA DRIVE - MAIN UNIT
(Address)

CRAWFORDVILLE, FLORIDA 32327
(City, State, Zip Code)

FORMAILING TO

(Phone Number)

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SUPREME COURT, U.S.

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:

STATE ATTORNEY OFFICE
110 NW FIRST AVENUE
OCALA, FLORIDA 34475

CASE NO: 42-1999-CF-2529-
A-W

FIFTH DISTRICT COURT OF APPEAL
300 SOUTH BEACH STREET
DAYTONA BEACH, FLORIDA 32114

CASE NO: 5019-2369

ATTORNEY GENERAL
444 SEABREEZE BLVD., 5TH FLOOR
DAYTONA BEACH, FLORIDA 32114

QUESTION(S) PRESENTED

- 1) WHETHER A VIOLATION OF PETITIONER'S CONSTITUTIONAL RIGHT TO DUE PROCESS SHOULD STAND IN FLORIDA OF THE APPLICABLE LAW OF THE UNITED STATES SUPREME COURT AND THE STATE OF FLORIDA THAT REQUIRES THAT THE NAME; TIME AND PLACE SHALL BE STATED IN THE BODY OF THE COUNTS OF THE INDICTMENT THAT WAS NOT?
- 2) WHETHER A MISCARRIAGE OF JUSTICE HAS OCCURRED IN FLORIDA OF THE APPLICABLE LAW OF THE UNITED STATES SUPREME COURT AND THE STATE OF FLORIDA THAT REQUIRES THAT THE NAME; TIME AND PLACE SHALL BE STATED IN THE BODY OF THE COUNTS OF THE INDICTMENT THAT WAS NOT TO HAVE ENTITLED PETITIONER TO RELIEF IN 3.800(A), 3.850 AND COLLATERAL APPEALS FOR REVIEW OF THE CONSTITUTIONAL ERRORS?

TABLE OF AUTHORITIES CITED

PAGE NUMBER

CASES

RUSSELL V. STATE, 349 So. 2d. 124 (FLA. 2d DCA 1977)
DESMOND V. STATE, 576 So. 2d 743 (FLA. 2d DCA 1991)
RIMES V. STATE, 101 FLA. 1322; 133 So. 550
CHOW BINGKEW V. UNITED STATES, 248 F. 2d 466 (9th Cir. 1957)

STATUTES AND RULES

FLA. R. CRIM. P. 3.140(d)(2) and (3)

OTHER

14TH AMENDMENT

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	<i>PETITION FOR COLLATERAL REVIEW</i>
APPENDIX B	<i>ORDER DENYING PETITION FOR COLLATERAL REVIEW</i>
APPENDIX C	<i>NOTICE OF APPEAL</i>
APPENDIX D	<i>APPELLANT'S LATEST COLLATERAL BRIEF</i>
APPENDIX E	<i>APPEAL DECISION (CASE NO. 5019-2369)</i>
APPENDIX F	

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 _____ 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 appears at Appendix _____ 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 _____.
A copy of that decision appears at Appendix _____.

☐ 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

Article 1, Section 9 of the Florida Constitution provides no person shall be deprived of life, liberty or property without due process of law to the Fourteenth Amendment of the United States Constitution.

STATEMENT OF THE CASE

TYLER JEROME GORE (PETITIONER) AND CEDRIC JEROLD JONES (CO-DEFENDANT) WAS INDICTED FOR ONE COUNT OF FIRST DEGREE MURDER AND ONE COUNT OF HOME INVASION ROBBERY, ON THE 23RD DAY OF JULY, IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND NINETY NINE, IN MARION COUNTY CIRCUIT COURT CASE NUMBER 1999-CF-002529. GORE WAS CONVICTED BY A JURY ON BOTH COUNTS, AND ON JULY 10, 2001, WAS SENTENCED TO A LIFE SENTENCE AND A CONCURRENT TERM OF 30 YEARS. ON DIRECT APPEAL, THE OFFICE OF THE PUBLIC DEFENDER FILED A BRIEF AND MOTION TO WITHDRAW PURSUANT TO ANDERS V. CALIFORNIA, 386 U.S. 738 (1967). ON FEBRUARY 26, 2002, HIS CONVICTIONS AND SENTENCES WERE PER CURIAM AFFIRMED, AND THE COURT GRANTED THE MOTION TO WITHDRAW ON FEBRUARY 27, 2002. GORE V. STATE, 810 So. 2d 956 (FLA. 5TH DCA 2002); CASE NO. 5001-2338. MANDATE ISSUED ON MARCH 15, 2002. CASE NO. 5001-2338.

SINCE HIS CONVICTIONS AND SENTENCES WERE FINAL, GORE HAS UNSUCCESSFULLY FILED THREE POST-CONVICTION MOTIONS, TWO MOTIONS TO CORRECT AN ILLEGAL SENTENCE, AND TWO HABEAS CORPUS PETITIONS. THE TRIAL COURTS' DENIAL OF ALL SEVEN MOTIONS/PETITIONS HAVE BEEN AFFIRMED BY THIS COURT ON APPEAL. IN CASE NOS. 5003-3153; 5009-4350; 5011-1462; 5015-3345; 5017-1033; 5017-4004; 5018-1409. ALSO IN GORE V. STATE, 71 So. 3d 924 (FLA. 5TH DCA 2011); GORE V. STATE, 184 So. 3d 535 (FLA. 5TH DCA 2015); GORE V. STATE, 236 So. 3d 1108 (FLA. 5TH DCA 2017); GORE V. STATE 242

So. 3d 416 (FLA. 5TH DCA 2018); GORE V. STATE, 257 So. 3d 461 (FLA. 5TH DCA 2018). GORE ALSO UNSUCCESSFULLY CHALLENGED HIS CONVICTIONS AND SENTENCES IN FEDERAL COURT, FILING A FEDERAL HABEAS PETITION IN THE MIDDLE DISTRICT OF FLORIDA PURSUANT TO THE ANTI-TERRORISM EFFECTIVE DEATH PENALTY ACT OF 1996 (AEOPA), 28 U.S.C. § 2254, IN CASE NO. 5:04-CV-233-OC-10. THE FEDERAL HABEAS PETITION WAS FILED IN 2004 AND DENIED IN 2007. ON JUNE 28, 2019, GORE FILED THE INSTANT PRO SE "PETITION FOR COLLATERAL REVIEW" ALLEGING IN GROUND ONE THAT HIS NAME WAS OMITTED FROM THE BODY OF THE COUNTS WHICH DEPRIVED THE TRIAL COURT OF ITS IN PERSONAM JURISDICTION AND, IN GROUND TWO, THAT THE OMISSION OF THE TIME AND PLACE IN THE BODY OF THE COUNTS ALSO DEPRIVED THE COURT OF ITS IN PERSONAM JURISDICTION. THE TRIAL COURT ISSUED AN ORDER ON JULY 23, 2019, FINDING THE CLAIMS TO BE MERITLESS, SUCCESSIVE, AND AN ABUSE OF PROCESS, AS GORE HAD PREVIOUS ALLEGED THE CHARGING DOCUMENT WAS DEFECTIVE ON FOUR PREVIOUS OCCASIONS. THE TRIAL COURT ALSO CAUTIONED GORE REGARDING HIS PERSISTENT FILING OF MOTIONS AND PETITIONS RELATING TO THE JUDGMENTS AND SENTENCES ENTERED IN MARION COUNTY CIRCUIT COURT CASE NUMBER 1999-CF-002529. GORE APPEALED CASE TO THE FIFTH DISTRICT COURT OF APPEAL IN CASE NUMBER 5019-2369, WHICH IS STILL PENDING FOR DISPOSITION.

REASON FOR GRANTING THE PETITION

FLORIDA'S FAILURE TO ABIDE BY THE LAW OF THE UNITED STATES SUPREME COURT AND STATE OF FLORIDA WHERE THE INDICTMENT IS NOT WITHIN THE OPERATION OF THE STATUTES SO AS TO DEPRIVE THE TRIAL COURT OF ITS PERSONAM JURISDICTION TO TRY PETITIONER FOR CRIMES.

FLORIDA RULES OF CRIMINAL PROCEDURE 3.140(d)(2) AND (3) REQUIRES THAT THE NAME; TIME AND PLACE SHALL BE STATED IN THE BODY OF COUNTS OF THE INDICTMENT. > RIMES V. STATE, 101 FLA. 1322; 133 SO. 550; RUSSELL V. STATE, 349 SO. 2D. 124 (FLA. 2D DCA 1977); DESMOND V. STATE, 576 SO. 2D 743 (FLA. 2D DCA 1991); AND CHOW BINGKEW V. UNITED STATES, 248 F. 2D 466 (9TH CIR. 1957).

THE JURISDICTION OF FLORIDA IN QUESTION OF THE LAW, IT IS THE POWER OF THIS COURT TO ISSUE CERTIORARI TO RESOLVE A DEVIATION OF THE LAW TO DEPRIVE THE PETITIONER OF DUE PROCESS.

A MISCARRIAGE OF JUSTICE HAS OCCURRED IN FLORIDA WHERE THE PETITIONER'S NAME; TIME AND PLACE WAS LEFT OUT OF THE BODY OF COUNTS OF THE INDICTMENT CONCERNING THE CRIMES SO AS TO DEPRIVE THE TRIAL COURT OF ITS PERSONAM JURISDICTION TO TRY PETITIONER OF THE CRIMES.

THE PETITIONER WAS ENTITLED TO RELIEF IN FLORIDA THAT WAS DENIED CONTRARY TO THE LAW OF THE UNITED STATES SUPREME COURT AND STATE OF FLORIDA THAT HIS CASE ENDED IN AN INJUSTICE.

Conclusion

Florida is bound to Follow the Law which it determined NOT to OF the SUCCESSIVE Filings OF the PETITIONER to CORRECT the CONSTITUTIONAL ERROR that the PRAYER OF the CERTIORARI Petition Should be GRANTED.

3-11-2020
DATE

RESPECTFULLY Submitted
s/ Tyler Jerome Gore
TYLER JEROME GORE, OC# U112435
WAKULLA C.I. - MAIN UNIT
110 MELALEUCA DRIVE
CRAWFORDVILLE, FLORIDA 32327

PRO SE, PETITIONER

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

TYLER JEROME GORE — PETITIONER
(Your Name)

VS.

FLORIDA — RESPONDENT(S)

PROOF OF SERVICE

I, TYLER JEROME GORE, do swear or declare that on this date, 3-11, 2020, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

ATTORNEY GENERAL, 444 SEABREEZE BLVD, 5TH FL, DAYTONA BEACH,
FLORIDA 32114, Supreme Court of The United States
Washington, D.C. 20543-0001

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 3-11-20, 2020

Tyler Gore
(Signature)

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