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Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

CLARENCE ZACKE — PETITIONER
(Your Name)

vs.

STATE OF FLORIDA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

FLORIDA SUPREME COURT

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

PETITION FOR WRIT OF CERTIORARI

CLARENCE ZACKE #083500

(Your Name)

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SUPREME COURT, U.S.

QUESTION(S) PRESENTED

WHETHER THE INTEGRITY OF THE COURT REQUIRES ENFORCEMENT OF RULE 3.171(A) FLA. R. CRIMINAL P. WHERE THE STATE HAS KNOWINGLY AND INTENTIONALLY VIOLATED THE TERMS OF PETITIONER'S PLEA AGREEMENT AFTER PETITIONER HAS SERVED HIS SENTENCE AND CANNOT WITHDRAW FROM THE PLEA AGREEMENT BECAUSE THE STATE DID NOT KEEP ITS END OF THE PLEA AGREEMENT BY PROSECUTING PETITIONER AFTER PETITIONER HAD ALREADY COMPLETED HIS END OF THE PLEA AGREEMENT.

ARE STATE COURTS EXEMPT FROM FOLLOWING FEDERAL COURT DECISIONS IN CASES SUCH AS GIGLIO V. UNITED STATES 405 U.S. 150, 31 L. ED. 2d 104 (1972) ? SHOULDN'T IT BE UNIFORMLY MANDATORY THAT ALL PLEA AGREEMENTS BE IN WRITING INSTEAD OF ONLY ORAL SUCH AS IN THIS CASE AT BAR ?

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 OF FLORIDA

RELATED CASES

GIGLIO V UNITED STATES, 405 U.S. 150, 31 L.ed 2d 104 (1972)

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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

GIGLIO V UNITED STATES, 405 U.S. 150, 31 L.ed. 2d 104 (1972)
BROWN V STATE, 367 So. 2d AT 622

STATUTES AND RULES

RULE 9.100
RULE 3.171
RULE 9.030 (A)(3)

OTHER

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 is unpublished.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 _____ 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 2-25-20. A copy of that decision appears at Appendix A.

[] 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 ONE, SECTION 21, FLORIDA CONSTITUTION

ARTICLE 5 SECTION 3 (b)(9) FLORIDA CONSTITUTION

STATEMENT OF THE CASE

IN 1983 WAS IN THE BREVARD COUNTY, FLORIDA JAIL TO NEGOTIATE A PLEA AGREEMENT OVER THE MURDER OF RICHARD Lee HUNT, BROTHER OF ASSISTANT STATE ATTORNEY MICHAEL HUNT. I MET UP WITH GERALD STANO WHO WAS CHARGED IN THE MURDER CATHY SHARF AND AWAITING TRIAL FOR FIRST DEGREE MURDER. GERALD STANO'S MURDER TRIAL ENDED IN A HUNG JURY. BEFORE STANO'S RETRIAL BEGAN THE STATE ASKED ME IF I WOULD HELP CONVICT STANO BY TESTIFYING AGAINST STANO IN HIS RETRIAL. I AGREED TO TESTIFY ON THE CONDITION THE STATE WOULD RETURN MY TWO VEHICLES THEY HAD CONFISCATED AND AGREE TO NO FURTHER PROSECUTION OF MYSELF ON ANY PAST OFFENSES WHICH MAY ARISE IN THE FUTURE INCLUDING THE SEXUAL BATTERY CHARGES. THE GRAND JURY FAILED TO INDICT ME ON IN 1981. WE AGREED ON ALL OF THIS AND I KEPT MY END OF THE DEAL BY TESTIFYING ON GERALD STANO WHO WAS FOUND GUILTY AND SENTENCED TO DEATH. MY 2 VEHICLES WERE THEN RETURNED TO ME.

A SHORT TIME LATER THE STATE OFFERED ME A PLEA AGREEMENT TO THE MURDER OF RICHARD Lee HUNT WHOSE BODY WAS NEVER LOCATED. AT THIS TIME I WAS UNDER A SENTENCE OF 180 YEARS IN PRISON. THE DEAL WAS THAT I TELL THEM WHERE THE BODY OF RICHARD Lee HUNT WAS BURIED AND FOR ME TO PLEAD GUILTY TO SECOND DEGREE MURDER IF RICHARD Lee HUNT FOR A 60 YEAR PRISON SENTENCE TO RUN CONCURRENT TO ANY OTHER SENTENCE BEING SERVED WHICH MY 180 YEAR PRISON SENTENCE WAS REDUCED TO 60 YEARS TO COMPLY WITH THE PLEA AGREEMENT TERMS, PLUS IN ADDITION TO THE SAME AGREEMENT, ONCE AGAIN THE STATE AGREED TO NO FURTHER PROSECUTIONS OF MYSELF FOR ANY PAST OFFENSES WHICH MIGHT ARISE IN THE FUTURE, INCLUDING THE SEXUAL BATTERY CHARGES. THE GRAND JURY FAILED TO INDICT ME ON IN 1981.

FOR THE NEXT 24 1/2 YEARS I SERVED MY 60 YEAR PRISON SENTENCE GAINING WHAT'S CALLED GAIN TIME FOR GOOD CONDUCT AND ABOVE SATISFACTORY WORK REPORTS REDUCING MY TIME IN PRISON. THEN IN MARCH OF 2005 THE STATE CAME TO THE PRISON I WAS IN AND ARRESTED ME ON THOSE OLD SEXUAL BATTERY CHARGES JUST MONTHS BEFORE I WAS TO BE RELEASED FROM PRISON. I WAS CONVICTED ON 5 COUNTS OF SEXUAL BATTERY AND SENTENCED TO 5 CONSECUTIVE LIFE SENTENCES.

I STRONGLY FEEL THIS IS A TRAVesty OF JUSTICE AND THE STATE USING ITS VAST POWER TO WREAK VENGEANCE ON ME FOR THE MURDER OF ASSISTANT STATE ATTORNEY'S BROTHER RICHARD Lee HUNT. AS A SIDE NOTE MICHAEL HUNT IS STILL WORKING AS ASSISTANT STATE ATTORNEY IN BREVARD COUNTY, WHERE HE HAS THE POWER TO SEEK REVENGE. THIS CASE NOW AT BAR RUNS PARALLEL TO GIGLIO V UNITED STATES, 405 U.S. 150, 31 L.ed. 2 d, 104 (1972).

SEE EXHIBIT A FOR ALL INFORMATION AND DATA PETITIONER HAS BEEN ABLE TO COME UP WITH RELATED TO THE FACTS ON THIS MISCARRIAGE OF JUSTICE.

ALL SAID AND DONE; I FULLY COMPLIED WITH MY END OF THE PLEA AGREEMENTS, THE STATE HAS MALICIOUSLY WENT OUTSIDE THE AGREEMENTS TO INSURE I DIE IN JAIL, AND HAVE AT THIS TIME BEEN SERVING THIS SENTENCE FOR 15 YEARS NOW. AS A SIDE NOTE #2 THE STATE INSISTED THAT PETITIONER TAKE AND PASS A POLYGRAPH EXAM TO VERIFY HIS TRUTHFULNESS BEFORE THEY WOULD ENACT AN AGREEMENT, WHICH PETITIONER PASSED WITH EASE.

REASONS FOR GRANTING THE PETITION

THE MAIN REASON FOR GRANTING THIS PETITION IS:
TO GIVE THE LITTLE GUY A SENSE OF FAIR PLAY, STANDING
ALL BY HIMSELF IN THE ARENA OF GIANTS

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Clarence Facke", is written over a horizontal line.

Date: 4-13-20