

No.: 19-994

In the

**SUPREME COURT of the UNITED STATES**

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JEFFREY LANCE HILL, SR., *Petitioner*,

v.

LEANDRA G. JOHNSON, GREGORY S. PARKER,  
WILLIAM F. WILLIAMS, III, JENNIFER B.  
SPRINGFIELD, JOEL F. FOREMAN, SUWANNEE  
RIVER WATER MANAGEMENT DISTRICT,  
COLUMBIA COUNTY, FLORIDA AND CITY of  
LAKE CITY, FLORIDA, *Respondents*.

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On Petition for Writ of Certiorari to the United  
States Court of Appeals for the Eleventh Circuit

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**PETITION FOR REHEARING**

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	<b>TABLE OF CONTENTS</b>	<b>page</b>
Petition for Rehearing and Preliminary-----	1	
Intervening Circumstances -----	2	
I. February 4, 2020 Taking by Flooding -----	2	
II. March 3, 2020 Order Hill pay \$9,169.57 -----	4	
III. State Court convened with counterfeit judge ---	6	
IV. Substantial Grounds not yet argued -----	9	
Conclusion -----	13	

#### **TABLE OF AUTHORITIES**

Arkansas Game and Fish Comm. v. United States, 568 U.S. 23 (2012) -----	3, 5
Armstrong v. United States, 364 U.S. 40 (1960) -----	4
Heck v. Humphrey, 512 U.S. 477 (1994) -----	3
Horne v. Dep’t. of Agriculture, 569 U.S. 513(2013)---	6
Knick v. Township of Scott, 588 U.S. __ (2019)-	3,5,6
Monterey v. Del Monte Dunes at Monterey, Ltd.,- 526 U.S. 687 (1999) -----	6
Patsy v. Board of Regents of Fla., 457 U.S. 496 (1982) -----	3
Payret v. Adams, 500 So. 2d 136 (Fla 1986)-----	8

	AUTHORITIES continued	page
Pumpelly v. Green Bay Co., 13 Wall. 166 (1871)-----	3	
Rooker-Feldman -----	9	
Stop the Beach Renourishment v. Fla. Dep't. of Environmental Protection, 560 U.S. 702(2002) -----	5	
United States v. Causby, 328 U.S. 256 (1946)-----	3	
United States v. Cress, 243 U.S. 316 (1917) -----	3,5	
<b>UNITED STATES CONSTITUTION</b>		
Amendment V -----	3,4,5,6,7,10	
Amendment VII -----	11	
Amendment VIII -----	5	
Amendment XIV -----	5, 8	
<b>UNITED STATES CODE</b>		
Title 42 U.S.C. section 1983 -----	3	
<b>FLORIDA STATUTES</b>		
Florida Statute 26.012 -----	7	
Florida Statute 26.57 -----	7	
Florida Statute 47.011 -----	7	
Florida Statute 73.091 -----	5	
Florida Statute 73.092 -----	5	

Florida Statute 775.082, 083, 084-----	11
Florida Statute 817.535 -----	11

**PETITION FOR REHEARING**

Pursuant to Supreme Court Rule 44, Petitioner Jeffrey Lance Hill, Sr. (Hill) respectfully petitions this Court to reconsider its April 6, 2020 decision denying Hill's Petition for Writ of Certiorari. This Petition is filed within 25 days of the denial.

**PRELIMINARY STATEMENT**

In this Petition for Rehearing, documents in Hill's Petition for Writ of Certiorari will be referred to as Pet. App. \_\_\_\_\_. Exhibits presented in this Petition for Rehearing will be referred to as RH App. \_\_\_\_\_.

## INTERVENING CIRCUMSTANCES

### I. RESPONDENT SUWANNEE RIVER WATER MANAGEMENT DISTRICT (THE AGENCY) DRAINS POND ONTO HILL'S LAND AGAIN

- a. The pond referred to in this litigation lies in Section 3, Township 4 South, Range 17 East, Columbia County, Florida. The Agency claims ownership of 75 acres more or less, in and around the subject pond by and through a state court judgment; Pet. App. I-1. Hill and His wife, Linda, own real property in section 3 (15 acres more or less) Tax Parcel No.: RO7592-029, RH App. 1; and ALSO in section 4 (115 acres more or less) that is not claimed by the agency; Tax Parcel No.: RO7594-000; see attached ad valorem tax bill; RH App. 2. See attached sketch for clarification of the location of the real properties; RH App. 3.
- b. From ~June, 2019 through February 3, 2020, the pond was holding water with its valve closed.
- c. On February 4, 2020, employees of Suwannee River Water Management District (the Agency), including Tara Rodgers and Tom Mirti, along with other unnamed employees, opened the valve in the pond allowing more than 50 million gallons of surface water to flood Hill's land in Section 4, Township 4 South, Range 17 East, Columbia County, Florida; Tax Parcel No.: RO7594-000; RH App. 2. This Court holds; "a property owner acquires an irrevocable right to just compensation

immediately upon a taking,” page 10, *Knick v. Township of Scott*, 588 U.S. \_\_\_\_ (2019). Further in *Knick*; “The state litigation requirement of Williamson County is over-ruled”; page 23. Also in *Knick*; “The Civil Rights Act of 1871, after all, guarantees, “ a federal forum for claims of unconstitutional treatment at the hands of state officials” and the settled rule is that “ exhaustion of state remedies ‘is not a prerequisite to an action under [42 U.S.C.] section 1983.’” *Heck v. Humphrey*, 512 U.S. 477, 480 (1994) (quoting *Patsy v. Board of Regents of Fla.* , 457 U.S. 496, 501 (1982); page 2. “ the Fifth Amendment right to compensation automatically arises at the time the government takes property without paying for it;” pg. 9 (*Knick*). In *Arkansas Game and Fish Comm. v. U. S.*, 568 U.S. 23 (2012), this Court held; “ this court has ruled that government induced flooding, *Pumpelly v. Green Bay Co.*, 13 Wall. 166, and seasonal recurring flooding, *Cress*, 243 U.S. at 328, can constitute takings. The Court has also ruled that takings temporary in duration can be compensable. E.g. *United States v. Causby*, 328 U.S. 256.” The agency admits an inverse condemnation taking; Pet. App. D-10, pled for and received summary judgment on February 10, 2016, in state court case no.: 11-340CA, Pet. App. D-10; granted on the grounds of quasi-judicial immunity; their immunity was overturned in the Fla. 1<sup>st</sup> Dist. Court of Appeal; Pet. A-22. The property owner’s right to compensation is irrevocable; page 10, *Knick*.

d. The subject pond is a farm irrigation pond built by the Hill family in year 1966; Pet. App. D-62. The agency claims ownership and control of the pond. This is the only farm pond the agency claims. The agency lacks the ability, authority, knowledge, experience, and staff to own and operate a farm pond. The property takings cause is stated in Paragraph 25 of Hill's complaint in the U.S. District Court (no.; 3:17-cv-1342, Doc. 1). If the agency needs property to store water on, they must pay for it in accordance with this court's rulings and the Takings Clause of the United States Constitution.

e. It is unlawful and unfair for Hill to continue to pay taxes on real property used by the government; *Armstrong v. United States*, 364 U.S. 40 (1960). Hill filed a motion in the U.S. District Court to stay ad valorem taxes on the subject property, that motion was denied by the District court on May 18, 2018; Pet. App. A-16. This Court is Hill's only chance for proper relief and prevention of grave injustice since the District Court dismisses and the 11<sup>th</sup> Circuit affirms. Hill's Petition for Writ of Certiorari should be reconsidered and granted.

## **II. THE UNITED STATES DISTRICT COURT AWARDS THE AGENCY \$9,169.87**

a. On March 3, 2020, while Hill's Petition for Writ of Certiorari was pending in this Court, the U.S. District Court (case no.: 3:17-cv-1342, Doc. 42) awarded the agency's attorneys \$9,169.87 for fees and costs. This action compounds the previous

violation of Amendment VIII of the U.S. Constitution and also adds to manifest injustice as real property has been taken by government without payment and Hill is now expected to pay the attorneys who facilitated the taking, contrary to Amendment V and XIV of the U.S. Constitution and this Court's holdings in *Knick v. Township of Scott*, 588 U.S. \_\_\_\_ (2019), *Arkansas Game and Fish Comm. v. United States*, 568 U.S. 23 (2012), *United States v. Cress*, 243 U.S. 316 (1917), and *Stop the Beach Renourishment v. Fla. DEP*, 560 U.S. 702 (2002). An order for Hill to pay the agency's attorneys is also in conflict with Florida's Eminent Domain laws. Florida Statute 73.091 (1) provides, in pertinent part, "The petitioner [state, county or municipality] shall pay attorney's fees as provided in s. 73.092 as well as all reasonable costs incurred in the defense of the [eminent domain] proceedings in the circuit court". Under the plan laid out by the lower courts, Hill not only loses His land and three generations of hard work building and operating a family farm; but pays the attorneys for the government. Hill cannot afford His own attorney and cannot afford attorneys for the Agency of the state. Without relief from this court, Defendants/Respondents County, Foreman and City have taken real property without compensation; property which was not involved in and separate from the agency's claims. The taking in tax parcel no.: RO7592-029 had nothing to do with the agency's regulatory plan to force Hill's farm to obtain a permit; see RH App. 3.

b. In *Knick*, Justice Thomas, concurring, page 2, states; “when the government repudiates [its] duty” to pay just compensation, its actions “are not only unconstitutional” but may be “tortious as well.” *Monterey v. Del Monte Dunes at Monterey, Ltd.*, 526 U.S. 687, 717 (1999). Respondents County and City undeniably trespassed to install their pipes in Tax Parcel RO7592-029; land belonging to Hill and His wife; RH App. 1.

c. In *Knick*, Justice Kagan, dissenting, page 3, states; “a Takings Clause violation has two necessary elements. First, the government must take the property. Second, it must deny the property owner just compensation.” see *Horne v. Department of Agriculture*, 569 U.S. 513 (2013). Respondents City and County have done both.

**III. THE STATE COURT GRANTS HEARING FOR THE AGENCY TO CHARGE HILL for fees WHEN THE PERSON PRESIDING IS NOT A CIRCUIT COURT JUDGE IN COLUMBIA COUNTY, FLORIDA**

a. The Agency’s attorneys have furnished NOTICE OF HEARING to Hill for hearing March 30, 2020, May 14, 2020 and July 24, 2020 on the Agency’s Motion for fees and costs in case no. 11-340CA; RH App. 7. The agency is requesting that Hill be ordered to pay more than \$150,000.00 in fees and costs in the state court.

b. The person presiding is Defendant/Respondent William F. Williams, III, (Williams). Williams is a County judge in Suwannee County, Florida. All of the real property in this dispute lies in Columbia County, Florida. Florida Statute 47.011 provides; "Actions shall be brought only in the county where the defendant resides, where the cause of action accrued, or where the property in litigation is located. This section shall not apply to nonresidents"; Florida Statute 26.012 (2) (g) provides; "They [Circuit Courts] shall have exclusive jurisdiction in all actions involving the title and boundaries of real property". Florida Statute 26.57 provides, in relevant part; "A County Court judge may be designated on a temporary basis to provide over circuit court cases by the Chief Justice of the Supreme Court upon recommendation of the chief judge of the circuit". Williams has not been recommended to or designated by the Florida Supreme Court. Lack of Williams' authority is stated in paragraph 34 of Hill's complaint (3:17-cv-1342). Columbia County has five resident circuit court judges. Four of these judges refused to preside because they knew the original action is a violation of the Takings Clause. Respondent Leandra G. Johnson assigned the original state court case (06-203CA) to Respondent Gregory S. Parker (Parker) who resides in Taylor County, Florida. Parker assigned Williams to preside in all cases involving Hill, the assignment is for an indefinite period of time; RH App. 4. Under Florida's tier court system

and under Florida law, Williams has no authority to preside in Columbia County Circuit Court.

c. Respondent Parker assigned case no.: 11-340 CA to Williams in April 25, 2016, four years ago. The assignment bears no time limitation; RH App. 4. The Florida Supreme Court held in *Payret v. Adams*, 500 So. 2d 136 (Fla 1986); “ a County judge cannot be indefinitely assigned circuit court duties”. Under Florida law and the Florida Supreme Court’s holdings, Williams has no authority to hear circuit court cases in Columbia County, Florida. However, since April 25, 2016, Williams has favored the agency in his orders 56 times. Hill has filed notices, motions and petitions in the state circuit court and the Florida Supreme Court challenging Williams’ lack of authority, Hill had no success and Williams continues to grant relief to the agency. In appeal no.: 1D18-0048, Fla 1<sup>st</sup> District Court of Appeal, Hill specifically asked for clarification as to Williams’ status as a Florida circuit judge and that court denied clarification; Pet. App. L-3. Williams’ presiding in Columbia County Florida constitutes denial of due process and denies equal protection under the laws as guaranteed by Section 1, Amendment XIV of the U.S. Constitution. Hill has not obtained relief in state or Federal court and prays this Honorable Court use its Supreme Power to give relief to Petitioner Jeffrey Lance Hill, Sr..

#### **IV. SUBSTANTIAL GROUNDS NOT YET ARGUED**

a. The Eleventh Circuit's opinion on September 20, 2019 focuses on two issues: 1) The Rooker- Feldman Doctrine bars Hill's complaint in the U.S. District court and; 2) Hill's complaint makes clear that He sought to have the district court review the Florida judgments. These holdings pertain only to Defendants/Respondents Suwannee River Water Management District and Leandra G. Johnson. The other six Defendants/ Respondents took actions subsequently for which their culpability does not rely on review of the underlying state court judgments.

Defendants City of Lake City, Florida (City) and Columbia County, Florida (County) are also named in the district court complaint. Their actions are stated in the complaint in paragraphs 30, 33 and 35, they certainly should not be allowed to take and use real property from Hill without paying for it, with or without review of the state court's judgments. The land taken by City and County is far separated from the land claimed by the agency; see RH App. 3. City and county are separate parties. Defendant Williams' unlawful actions impersonating a state circuit court judge do not rely on review of the underlying state court judgments. Defendants Jennifer B. Springfield (Springfield) and Joel F. Foreman (Foreman) are separate parties and their roles in the unlawful actions are not dependent on review of the state court judgments. Springfield's

actions are stated in paragraph 26 and Foreman's actions are stated in paragraph 32 of the complaint.

This Court should reconsider, vacate and remand due to these substantial omissions involving the Defendants/Respondents other than the agency whose culpability does not rely on review of the state court judgments. The Eleventh Circuit's opinion is clearly in error as it supports government taking property without paying for it, contrary to this Court's steadfast holdings concerning private property and Amendment V rights. The lower court's opinion creates a mistaken and unworkable precedent when it allows City and County an uncompensated occupation of Hill's real property. For clarity, stability, fairness and consistency in federal takings litigation, Hill prays for reconsideration to this Court.

b. The U.S. District Court dismissed Hill's complaint *sua sponte* stating the complaint failed to state a claim for which that court could grant relief. Certainly, a more carefully drafted complaint can state a claim for which relief can be granted in the U.S. District court. The U.S. District Court did not specify the deficiencies in the complaint. The District Court also cites previous decisions by the District Court on February 29<sup>th</sup>, 2016 as reason for dismissal. Defendants City, County, Williams and Foreman took actions to take Hill's property AFTER April 25, 2016, as alleged in paragraphs 28 through 34 of Hill's complaint (no.: 3:17-cv-1342). This real property taking is not hypothetical or speculative,

the Defendants cannot and have not denied taking the land without paying for it. Amendment VII guarantees trial by jury to determine the facts.

c. Defendant/Respondent Foreman violated Florida Statute 817.535 to facilitate taking of real property in the Southeast quarter of the Northwest quarter of section 3. The 75 acres the agency claims lies in the Northwest portion of the Northwest quarter of section 3; see RH App. 3. Foreman filed a false document on June 14, 2017; see RH App. 5. The document states that Hill's son, Jeffrey L. Hill, Jr., was served a summons, civil cover sheet and Petition for Appointment of Receiver with exhibits on June 12, 2017; that statement is false; see RH App. 5. In fact, Hill, Jr. was not served until April, 2019. Florida Statute 817.535 (2)(a) provides; " A person who files or directs a filer to file, with the intent to defraud or harass another, any instrument containing a materially false, fictitious, or fraudulent statement or representation that purports to affect an owner's interest in the property described in the instrument commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084." Hill reported Foreman's action to our State Attorney (Fla 3<sup>rd</sup> Judicial circuit) and he refused to prosecute; see RH App. 6. Also, about 3 months ago, our state attorney resigned abruptly under investigation and a federal grand jury was convened. Hill also reported Foreman's actions to the Florida Bar and they responded that a lawyer is allowed to do such.

**d. NONDISCLOSED CONFLICTS of  
INTERESTS**

Defendant/Respondent Leandra G. Johnson (Johnson) was appointed to serve as a circuit court judge in Florida's 3<sup>rd</sup> judicial circuit in 2006 by then Florida governor Jeb Bush. Attorney Thomas W. Brown (Brown) was general counsel for the agency from 1981 – 2010. Brown was chairman of the judicial committee that recommended Johnson be appointed by the governor. These facts were not disclosed by Johnson or Brown in case no.: 06-203CA.

Marcia P. Tjoflat was paid cash by the agency as an expert witness in state court case no.: 06-203CA; Pet. App. D-31. Marcia P. Tjoflat is the wife of 11<sup>TH</sup> Circuit Judge Gerald B. Tjoflat. These facts were not disclosed by Judge Tjoflat in appeal no.: 18-12215-AA.

Without review granted by this Honorable Court, the 11<sup>TH</sup> Circuit's opinion gives a large portion of private property in the State of Florida to the State, City of Lake City and Columbia County without compensation.

Only this Court can overrule the eleventh circuit court.

### **CONCLUSION**

This Petition for Rehearing should be granted.

Respectfully submitted on this 30<sup>th</sup> day of April,

2020 by; Jeffrey L. Hill, Jr.

Jeffrey Lance Hill, Petitioner, pro se

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**CERTIFICATE OF UNREPRESENTED PARTY**

I hereby certify that this Petition for Rehearing is restricted to the grounds specified in Supreme Court Rule 44, is presented in good faith, in the interest of justice and not for delay.

Executed on this 30<sup>th</sup> day of April, 2020.

Jeffrey L. Hill, Sr., Jeffrey Lance Hill, Sr.,

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