

No. 20-1543

In The
Supreme Court of the United States

ADAM PERRY MCNIECE,
Petitioner,

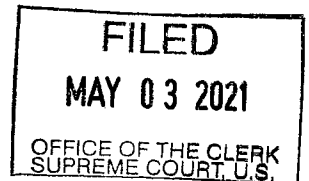
v.

TOWN OF YANKEETOWN FLORIDA, ET AL.,
Respondent(s).

**On Petition for a Writ of Certiorari
To The United States Court of Appeals
for the Eleventh Circuit**

PETITION FOR A WRIT OF CERTIORARI

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QUESTION(S) PRESENTED

1. Can a violation of law or code be charged and tried without any statutory reference of code chapter and section indicated?
2. Will a trial be fair without proper notification as a function of due process?
3. Can a citizen sue the federal government under a First Amendment right to petition, for a redress of grievances?
4. Would this Petition for Redress be an expression of free speech, thereby not limited to two pages for self advocates, while unlimited for lawyers, as is the case in the local rules of the Northern District Court of Florida, in the interest of impartiality?
5. Would due process include appeals up to and including the Supreme Court of these United States?
6. Does the Federal District local rule abridge my right to petition?
7. Can a Judge rule sua sponte in error, while striking from the record the preponderance of evidence to affect the appeal record?
8. Can the Florida Appeals Court decide it's own appeal simply by not writing an opinion?

9. Does Supreme Court rule 28.8 contradict 28 USC 1654 which allows for self representation in all United States courts including oral argument?
10. Does Supreme Court rule 28.8 deny free speech and make this appeal available to only the elite; thus gagging the common man's voice?
11. Does the Town of Yankeetown's ordinance YT 2-65c, Order Imposing Fine or Lien, violate the Eight Amendment for excessive fines and unusual punishment?
12. Can a punishing authority control the permitting (redemption) authority without allowing for all proper appeals.
13. Does all real and personal property, now and future, that are attached for an unnamed violation, constitute a Bill of Attainder on all un-adjudicated property under article 1 section 9?
14. While I had a permit to repair the structure and quit when told to stop work, would an additional after the fact permit be considered ex post facto, article 1 section 9?
15. Does the Florida Constitution prohibit unrestricted municipal court formation (see article 5, section 1 of the Florida Constitution)?

PARTIES TO THE PROCEEDINGS

(x) 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 judgement is the subject of this petition is as follows:

(There are currently no parties. The intended parties are below)

The Town of Yankeetown, Florida

The State of Florida

Levy County Florida

RELATED PROCEEDINGS

ADAM P. McNEICE vs. TOWN OF YANKEETOWN,
et al.

Case 1:19-cv-00323-AW-GRJ

ADAM P. McNEICE vs. TOWN OF YANKEETOWN
UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT
No. 20-10716

March 2019 - Town of Yankeetown vs. McNiece
#CL-5900.

Special Master Hearing in the Town of Yankeetown.
Dan Oates, Special Master

April 2019 - Levy County Circuit Court, Bronson FL.
Case#38-2019-CA-000211
Judge Susan Miller-Jones

August 2019 - US District Court, District of
Connecticut 3:19-CV-1320-SRU
Honorable Stephan Underhill

October 2019 - First District Court of Appeals
Florida Case# 1D19-3115
Tallahassee, Florida

TABLE OF CONTENTS

QUESTIONS PRESENTED	i
PARTIES TO THE PROCEEDINGS	iii
RELATED PROCEEDINGS.....	iv
TABLE OF CONTENTS	v
TABLE OF AUTHORITIES	vi
PETITION FOR WRIT OF CERTIORARI	1
STATEMENT OF JURISDICTION	1
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	1
STATEMENT OF THE CASE	3
REASONS FOR GRANTING THE PETITION	7
CONCLUSION	8

APPENDIX

App. 1 United States District Court, Northern District of Florida Order, dated March 3, 2021	1a
App. 2 United States Court of Appeals for the Eleventh Circuit Opinion dated 06/16/2020	5a
App. 3 United States Court of Appeals for the Eleventh Circuit Petition for Hearing en banc denied, dated 02/16/2021	15a

TABLE OF AUTHORITIES CITED

CASES	Page
<i>Goldberg v. Kelly</i> , 397 U.S. 254 (1970)	8-9
<i>Marbury v. Madison</i> , 5 U.S. 137 (1803)	4
<i>Murray v. Hoboken Land</i> , 58 U.S. 272 (1855)	9
<i>Snyder v. Massachusetts</i> , 291 U.S. 97 (1934)	8
CONSTITUTIONAL PROVISIONS, STATUTES AND RULES	
U.S CONSTITUTION ART. I SEC. 9	iii,10
U.S. CONSTITUTION 1ST AMENDMENT	1
U.S. CONSTITUTION 5TH AMENDMENT	1-2
U.S. CONSTITUTION 8TH AMENDMENT	2
U.S. CONSTITUTION 14TH AMENDMENT	2
ART. I SEC. 10,17,21 FLORIDA CONSTITUTION	
	2,3,10,11
ART. III SEC. 11(6) FLORIDA CONSTITUTION	
	2,11
ART. V SEC. 1 FLORIDA CONSTITUTION	
	ii,2,6
28 U.S.C. 1654	ii,4
28 U.S.C. 1254(1)	1

U.S. SUPREME COURT RULE 28.8ii,3,4

OTHER AUTHORITIES

Alien and Sedition Acts 1798 4

Town of Yankeetown Ordinance YT-65(c)ii,7

PETITION FOR A WRIT OF CERTIORARI

The Petitioner Adam P. McNiece respectfully submits this petition for a writ of certiorari to review the judgement of the U.S. Court of Appeals, for the 11th Circuit.

STATEMENT OF JURISDICTION

The 11th Circuit Court of Appeals entered its order affirming the judgement of the District Court on February 16, 2021, making the petition due on or before May 17, 2021.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISION INVOLVED

1st Amendment of the U.S. Constitution

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

5th Amendment of the U.S. Constitution

No person shall ... be deprived of life,
liberty, or property, without due
process of law ...

8th Amendment of the U.S. Constitution

Excessive bail shall not be required,
nor excessive fines imposed, nor cruel
and unusual punishments inflicted.

14th Amendment of the U.S. Constitution

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.

Florida Constitution

Article 5 Section 1 states, 'no other courts
may be established by the state, any political
subdivision or any municipality'.

**Article III Section 11(6) Prohibited
Special Law**, Change of civil or criminal venue.

**Article I Section 17 Excessive
Punishments**

Excessive fines, cruel and unusual
punishment, attainder, forfeiture of

estate, indefinite imprisonment, and unreasonable detention of witnesses are *forbidden*.

Article I Section 10 Prohibited laws.

No bill of attainder, ex post facto law or law impairing the obligation of contracts shall be passed.

Article I Section 21 Access to Courts

The courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay.

STATEMENT OF THE CASE

Imagine a court so powerful it can overrule itself and has done so over 300 times in the past 232 years. This plus its reversals and abrogations are the legends of U.S. history, carefully preserved for our posterity.

Our beloved constitution repeats only one command twice, "due process", which traditionally includes proper notification, full discovery, and fair trial, and every possible opportunity for appeal exhausted. Yet this high court is unavailable to the common man. SCOTUS Rule 28.8 does not allow for self representation in oral argument, thereby abridging free speech of every self advocate; thus denying due process by rule of law.

This directly contradicts 28 U.S.C. 1654, which states a citizen can represent themselves in all U.S. courts.

In *Marbury v. Madison* 1803 Chief Justice John Marshall set the precedent expectation of the judicial branch, "it is emphatically the province and duty of the judicial department to say what the law is, ... if two laws conflict with each other, the courts must decide the operation of each ... this is the essence of judicial duty."

This rule, from the highest court which carries the weight of law, is in direct opposition to the legislative law of U.S. code. It can only be attributed to Burger Court vanity at the expense of the common man's right of free speech, and sets a precedent of adverse pro se bias for all lower courts.

The Alien and Sedition Acts of 1798 expired in 1801, but took the Supreme Court 150 years before it was deemed unconstitutional; in favor of free speech. This SCOTUS rule 28.8 has made this high court available only to the elite for 43 years. Best to get started on reversal now. It's a safe bet no bar member would argue against their empire of sand.

It's akin to a preacher spoon fed by the choir distanced from the congregation.

Voices in dissent both temper and efficate a more perfect union. Thomas Jefferson echoed the Chief Justice conclusions stating the common goal is "To educate and inform the whole mass of the people...for they are the only sure reliance for the

preservation of our liberty. Unpublished opinions as written by this appeals court does a disservice to our common goal of lessening the timeframe required to double human knowledge through collective learning.”

1. The most unique feature about this case, is there are no defendants. The Magistrate from the Northern District of Florida’s Federal Court, who ruled in error, immediately claimed this case had no federal subject matter jurisdiction so proper service was never warranted. This same Magistrate also struck my Petition for Redress from the record for failing to meet the local rule of a two page limit (Form- NDFL Pro Se 1 Civil Complaint) designed only for the pro se.
2. The preponderance of the evidence is contained in my first amended complaint, and my initial Petition for Redress of Grievances.
3. This Magistrate, with his local two page rule so hobbled or gagged my claims so as to decide his own appeal.
4. The scales of justice are imbalanced due to this local two page rule which affects only one party. Similarly, self advocates, or the common man is also restricted from electronic filing in this jurisdiction only. Equal access to courts is a factor in due process.
5. Should access to the courts and due process at the federal level be dependent upon what state your filing occurs, due to biased rules? Or does uniform access and application institute fairness?

6. I claim my First Amendment right to Petition for Redress has been abridged in the Northern District of Florida Court. In the federal court system, uniform access and constitutional interpretation is for the benefit of every American citizen.
7. Without defendants this case has devolved into a Lowly Pro Se vs. The Juggernaut of the Federal Court of Northern Florida. A true David and Goliath scenario with due process and justice as the prize.
8. The usual court case is an adversarial contest between parties before an impartial referee. In this case the referee is the adversary and the movant sua sponte, only to strike and dismiss based on a local rule and an adverse pro se bias at the expense of every citizens right of free speech through a petition for redress of grievance. I claim a violation of the Fifth Amendment federal due process. In diminishing my constitutional protections this court has lessened the value for all.
9. The substance of this case (which is contained in the first amended complaint, references both code and law), is about an unspecified code violation, a municipal Special Master trial, an excessive fine in perpetuity, and a town ordinance which seeks to take all real and personal property of its own accord.
10. At the municipal trial, in the Town of Yankeetown, the Special Master found 'at no time including the Notice of Hearing did the town notify the respondent of the code sections violated, or give the respondent a reasonable opportunity to correct these violations.

‘Consequently no determination can be made as to whether or not such violations now exist’. Proper notification is a cornerstone of due process, and municipal courts which rule on issues that pertain to state statutes are prohibited by the Florida Constitution. **Article 5 Section 1** states, ‘no other courts may be established by the state, any political subdivision, or any municipality’.

11. In oral argument transcribed in the First Amended Complaint, the Special Master states, ‘there will be no fine’. The \$100 / day fine that I have received was voted on by the Yankeetown town council, thereby eliminating an impartial referee, implementing a true reversal of cantors paradise.
12. I claim constitutional protection under the Eight Amendment for excessive fines and violation of due process, under the Fourteenth Amendment.
13. Yankeetown ordinance YT-65c passed in 2015 by the council, states “any order imposing fine constitutes a lien, not only on the subject property, but on all real and personal property owned by a violator.” I claim this ordinance constitutes a Bill of Attainder.
14. The after-the-fact permit that I applied for the the direction of the Special Master’s Final Administrative Order, was denied, and the appeal that I filed with the town, was ignored. I claim this as ex post facto law.

REASONS FOR GRANTING THE PETITION

- A. To support and defend our U.S. Constitution and its individual rights under the 1st, 5th 8th and 14th Amendments.
- B. To protect the rights of citizens from self appointed courts, excessive and undue fines.
- C. To establish the proper appeal process for unspecified violations according to Florida Code and Law.
- D. To ensure uniform access and constitutional interpretation in all Federal and State Courts.
- E. To support and defend the Florida Constitution from domestic threats including prohibition of municipal courts which rule on issues that pertain to state statutes (article 5 section 1), and prevent prohibited special laws Article III section 11(6), Bills of Attainder Article I section 10.
- F. Change of civil or criminal venue, article I section 17, excessive punishments, and section 21, access to courts.

CONCLUSION

Due process was denied under the 5th and 14th Amendments.

In 1934, the United States Supreme Court held that due process is violated, "if a practice or rule offends some principle of justice so rooted in the

traditions and conscience of our people as to be ranked as fundamental". *Snyder v. Massachusetts*, 291 U.S. 97, 105 (1934).

As construed by the courts, it includes an individual's right to be adequately notified of charges or proceedings, the opportunity to be heard at these proceedings, and that the person or panel making the final decision over the proceedings be impartial in regards to the matter before them. *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970).

To put it more simply, where an individual is facing a deprivation of life, liberty, or property, procedural due process mandates that he or she is entitled to adequate notice, a hearing, and a neutral judge.

In the middle of the 19th century, "due process of law" was interpreted by the U.S. Supreme Court to mean that, "it was not left to the legislative power to enact any process which might be devised. The due process article is a restraint on the legislative as well as on the executive and judicial powers of the government, and cannot be so construed as to leave Congress free to make any process 'due process of law' by its mere will." *Murray v. Hoboken Land*, 58 U.S. 272 (1855).

I ask this court, in view of this evidence for a summary reversal, a change of venue, and a remand with jury trial. A change of venue would eliminate local rules which abridge my First Amendment right.

A full hearing with injunctive relief specified in my first amended complaint is warranted, when any appointed quorum has the ability to deprive all real and personal property from its citizens.

Since I had all my property rights taken away, I refiled in state court. Ironically the defendants first motion was to relocate the case to federal court, and I have a change of venue pending, so these issues are current.

Delegates to the original constitutional convention were selected by committees of correspondence, because they were deemed to have sufficient cause to act.

My actions are dictated by mother necessity. I seek no fame or fortune, just an affirmation that individual liberties described in our constitution are available to the common man or self advocate. Specifically, free speech, equal access, due process and protection from excessive fines.

This Petition for a Writ of Certiorari should be granted.

Respectfully Submitted,

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