

ORIGINAL

20-1729

Case No.:

IN THE SUPREME COURT OF THE UNITED STATES

In re DIMITRI JONTHIEL PATTERSON, PETITIONER

Supreme Court, U.S.
FILED

JUN 09 2021

OFFICE OF THE CLERK

v.

FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES

PETITION FOR WRIT OF HABEAS CORPUS

Date: June 7, 2021

Dimitri Jonthiel Patterson
16877 East Colonial Drive
Unit 403
Orlando, FL 32820
407-777-2269

QUESTIONS PRESENTED

Should a Petitioner raising a 28 U.S.C. §2241 Habeas Corpus, remain in State custody without certified legal documentation in violation of his constitutional rights?

PARTIES TO THE PROCEEDINGS BELOW

The Petitioner is:

Dimitri Jonthiel Patterson.

The Respondent is:

Florida Department of Children and Families

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PETITION FOR WRIT OF HABEAS CORPUS

I, Dimitri Jonthiel Patterson, hereby respectfully petitions this Court for a Writ of Habeas Corpus.

STATEMENT OF JURISDICTION

This Court's jurisdiction is invoked pursuant to 28 U.S.C. §2241.

Pursuant to 28 U.S.C. §2242, I am not filing this Petition in the District where I am being unlawfully detained, because I have filed similar Petitions with the U.S. District Court for the Southern District of Florida, and that Court has failed to issue rulings pursuant to 28 U.S.C. §2243.

Pursuant to 28 U.S.C. §2241 and Rule 22 of the Rules of the Supreme Court of the United States, I make this application to the Honorable U.S. Supreme Court Associate Justice Sonia Sotomayor.

CUSTODY

I am currently being unlawfully detained at the South Florida Evaluation and Treatment Center, a facility within the Florida Department of Children and Families, located at 18680 S.W. 376th Street Florida City, Florida, 33034, since January 27, 2020. This Petition must also issue to all Florida Municipal County Jails, all Florida State Psychiatric Hospitals, and all Florida State Prisons, for the purpose of the Respondents undermining this Habeas Corpus.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Due Process Clause, which is stated in the *Fifth* and *Fourteenth* Amendments is a safeguard from arbitrary denial of life, liberty or property by the

Government. The *Thirteenth Amendment* abolishes involuntary servitude except as punishment.

28 U.S.C § 2241-The Writ of Habeas Corpus shall not extend to a prisoner unless—

- (1) He is in custody under or by color of the authority of the United States or is committed for trial before some court thereof, or,
- (3) He is in custody in violation of the Constitution or laws or treaties of the United States.

STATEMENT OF THE CASE

Pursuant to Rule 20.4(a), the following extraordinary circumstances warrants this Court's discretionary powers:

On October 23, 2018, I noticed an Orange County Sheriff's Police vehicle following me as I was exiting off of the 408 Expressway.

I turned into the RaceTrac gas station located at West Colonial Drive and South Bluford Road. I then proceeded to exit my vehicle to pump gas and noticed two more police vehicles entering into the RaceTrac gas station. After pumping the gas, I reentered my vehicle and without probable cause, three Orange County Police Department vehicles, hereinafter (OCPD) and one Ocoee Police Department vehicle, hereinafter (OPD) began circling my vehicle, and at that time, I told my Mother to call 911/the Sheriff's Office because numerous Officers were surrounding me. Immediately after, one OCPD Officer pulled in front of my vehicle, one OCPD Officer pulled behind my vehicle, and the OPD Officer pulled up on the Driver's side

of my vehicle for the purpose of barricading me in. The OCPD Officer in front of my vehicle, later identified as Johnathan Reeves, exits his vehicle with his revolver drawn. The OCPD Officer in the back of my vehicle, later to be identified as Terris Winburn, exits his vehicle with his revolver drawn. Officer Jonathan Reeves proceeded to tell me to get out of the vehicle and to get off the phone, which at that time, the OPD Officer exited his vehicle and proceeded to place handcuffs on me and guided me to the back seat of an OCPD Officer's vehicle. At this point and time, six additional OCPD Officers pulled in, and immediately thereafter, they began to illegally search my vehicle, without stating their purpose, or, legally identifying me as their suspect, proving this to be an illegal ambush. Then Officer Terris Winburn proceeds to transport me to the Orange County Florida Jail. After I made several demands to see the official warrant, which Terris Winburn never produced, the Orange County Florida Jail proceeded to illegally receive me once again without a valid warrant pursuant to the Florida Rules of Criminal Procedures and the Florida Rules of Judicial Administration, or/and, not adhering to the Florida Statutes. I was booked in the Orange County Florida Jail on October 23, 2018 at 6:25PM.

On October 24, 2018 at an Orange County Jail purported Bond Hearing, Judge Jeanette Bigney proceeded to retaliate against me stating that the non-existent warrant is valid and then stated that I will be detained at the Orange County Florida Jail until Miami-Dade County picks me up. I made several requests on record to inspect the warrant, and Judge Bigney denied me of that right. Federal

Rules of Criminal Procedure – Rule 4(d) states “A warrant must be signed by a Judge”.

On October 29, 2018 at 11:53AM and after multiple email requests to Orange County Correction Officials to see the arrest warrant that had me in their custody, Officer Arthur Willis of Orange County Corrections emailed Ms. Thabet an invalid “alias capias” that was not pursuant to Florida Statue §901.02 and Florida Rules of Criminal Procedure 3.121, and did not include, (1) The issuing Judge’s signature pursuant to Federal Rules of Criminal Procedure Rule 4(1)(d), (2) The warrant did not have a Deputy Clerk’s signature, (3) a court seal or, (4) a filing stamp or Electronic Filing Certification.

After a Writ of Habeas Corpus was filed in the Ninth Judicial Circuit Court of Florida, and Ms. Thabet advised Officer Willis of the warrant defects, I was immediately transported by Miami-Dade County to the Turner Guilford Knight Correctional Center (TGK) on October 31, 2018, where the Orange County Florida Jail card read, “DO NOT RETURN.”

I was detained at TGK for fourteen months.

On January 27, 2020 at 3:00AM, ten TGK Correctional Officers coerced me to leave Cell 8103 by falsely stating that, “You are being released”, where afterwards, they attempted to hand me civilian clothing that did not belong to me and I refused.

Thereafter, ten TGK Correctional Officers forced me into a vehicle to be transported away from TGK to the South Florida Treatment & Evaluation Center

(SFETC) located at 18680 S.W. 37th Street, Homestead, FL 33034, 786-349-6000, where I am currently being unlawfully detained.

GROUNDS FOR HABEUS CORPUS RELIEF

By my Petition for a Writ of Habeas Corpus, I, Dimitri Jonthiel Patterson, assert the fact of being unlawfully detained pursuant to the Fourth Amendment and based on a purported warrant and purported cases where my Fourth, Fifth, Thirteenth, and Fourteenth Amendment Rights are being violated.

REASONS FOR GRANTING THE WRIT

A petition seeking a writ of habeas corpus shall comply with the requirements of 28 U. S. C. § 2241 and 28 U. S. C. § 2242, and in particular with the provision in the last paragraph of 28 U.S.C. §2242, which requires a statement of the “reasons for not making application to the district court of the district in which the applicant is held.”

To justify the granting of a writ of habeas corpus, the petitioner must show that exceptional circumstances warrant the exercise of the Court’s discretionary powers, and that adequate relief cannot be obtained in any other form or from any other court. (Rule 20.4(a), Rules of the U.S. Supreme Court)

Although courts have not “confined themselves to an arbitrary and technical definition of ‘jurisdiction,’ ” *Will v. United States*, 389 U.S. 90, 95, 88 S. Ct. 269, 19 L.Ed.2d 305 (1967), “only exceptional circumstances amounting to a judicial ‘usurpation of power,’ ” *ibid.*, or a “clear abuse of discretion,” *Bankers Life & Casualty Co. v. Holland*, 346 U.S. 379, 383, 74 S. Ct. 145, 98 L. Ed. 106 (1953), “will

justify the invocation of this extraordinary remedy," *Will, 389 U.S., at 95, 88 S. Ct. 269, 542 U.S. 367, 380 (2004)*.

This case presents exceptionally rare circumstances that warrant this courts original Habeas jurisdiction.

I have been maliciously prosecuted, unlawfully arrested, and am currently being illegally detained, which is in direct violation of the United States Constitution.

I am being unlawfully detained by the South Florida Evaluation and Treatment Center, whose in the clear absence of jurisdiction, and have asserted facts in this Petition that cannot be disputed with evidence from the Respondent, and therefore, I am entitled to immediate release. *Wales v. Whitney, 114 U. S. 564, 1574 (1885)* (emphasis added); see also *Braden v. 30th Judicial Circuit Court of Ky., 410 U. S. 484, 494-495 (1973)*; *Ex Parte Grossman, 267 U.S. 87 (1925)*; *Ex Parte Hudgings, 249 U.S. 378 (1919)*; *Matter of Heff, 197 U.S. 488 (1905)*

The U.S. Supreme Court has the power to discharge a detainee who is in custody in violation of the United States Constitution. 28 U.S.C. §2241(c)(3).

The great writ of habeas corpus ad subjiciendum, is among the most precious safeguards of personal liberty. The right to a writ of habeas corpus is guaranteed by 28 U.S.C. §2241.

The proper grounds for jurisdiction for a writ of habeas corpus are found in 28 U.S.C. §2241.

I am citing a “miscarriage of justice” element to this Habeas Corpus. I have reflected by the above that I am currently unlawfully detained in violation of the United States Constitution.

Here, I have not obtained adequate relief in any form or in any other Court due to a usurpation of justice by the Eleventh Judicial Circuit of Florida in and for Miami-Dade County, Third District Court of Appeals of Florida, and the Supreme Court of Florida, abuse of discretion by the United States Court for the Southern District of Florida, the U.S. Court of Appeals for the Eleventh Circuit, and the U.S. District Court for the District of Columbia. (Also See Dimitri Patterson v. Miami-Dade Corrections and Rehabilitation, Case Number 19-10721, and Dimitri Patterson v. Miami-Dade County, et al., Case Number 19-10226-HH).

Secondly, I have clearly protected rights guaranteed to me by the United States Constitution of which I have been deprived through malicious prosecution, unlawful arrests, and unlawful detainment. The unlawful detainment is in connection with purported Florida State Criminal Case F-17-016392, and the State of Florida has no jurisdiction over me pursuant to Florida Statute §27.181, Florida Statute §28.222, Florida Rules of Criminal Procedure 3.131, and Florida Rules of Judicial Administration, 2.520.

Lastly, the issuance of a Writ of Habeas Corpus by this Court is appropriate, because it protects my constitutional rights, and safeguards the public's interests.

FLORIDA STATUTE §27.181

Florida Statute §27.181(1) states: No such appointee shall perform any of the duties of an Assistant State Attorney until he or she have taken and subscribed to a written oath that he or she will faithfully perform the duties of Assistant State Attorney and shall have caused the oath to be recorded in the Office of the Clerk of the Circuit Court of the county in which the appointing State Attorney resides. Upon the recordation of such appointment and oath, the appointing State Attorney shall promptly cause certified copies thereof to be transmitted to the Secretary of State. Florida Statute §27.181(2) states: No such assistant State Attorney may sign Filings of Information unless specifically designated to do so by the State Attorney. A Filing of Information must be signed by the **designated** assistant State Attorney and the failure of an Assistant State Attorney to sign a Filing of Information, **voids** the charging document (Florida Jur. 2d 1163, 1164 & 1165).

FLORIDA STATUTE §28.222

- (1) The clerk of the circuit court shall be the recorder of all instruments that he or she may be required or authorized by law to record in the county where he or she is clerk.
- (2) The clerk of the circuit court shall record all instruments in one general series called "Official Records." He or she shall keep a register in which he or she shall enter at the time of filing the filing number of each instrument filed for record, the date and hour of filing, the kind of instrument, and the names of the parties to the instrument. The clerk shall maintain a general alphabetical index, direct and

inverse, of all instruments filed for record. The register of Official Records must be available at each office where official records may be filed.

FLORIDA RULES OF CRIMINAL PROCEDURE 3.131

On the filing of either an indictment or information charging the commission of a crime, if the person named therein is not in custody or at large on bail for the offense charged, the judge shall issue or shall direct the clerk to issue, either immediately or when so directed by the prosecuting attorney, a capias for the arrest of the person. If the person named in the indictment or information is a child and the child has been served with a promise to appear under the Florida Rules of Juvenile Procedure, capias need not be issued. **Upon the filing of the indictment or information, the judge shall endorse the amount of bail**, if any, and may authorize the setting or modification of bail by the judge presiding over the defendant's first appearance hearing. **This endorsement shall be made on the capias and signed by the judge.**

FLORIDA RULES OF JUDICIAL ADMINISTRATION, 2.520

(a) Electronic Filing Mandatory. All documents filed in any court shall be filed by electronic transmission in accordance with rule 2.525. "Documents" means pleadings, motions, petitions, memoranda, briefs, notices, exhibits, declarations, affidavits, orders, judgments, decrees, writs, opinions, and any paper or writing submitted to a court.

(b) Type and Size. Documents subject to the exceptions set forth in rule 2.525(d) shall be legibly typewritten or printed, on only one side of letter sized (8 1/2 by 11

inch) white recycled paper with one inch margins and consecutively numbered pages. For purposes of this rule, paper is recycled if it contains a minimum content of 50 percent waste paper. Reduction of legal-size (8 1/2 by 14 inches) documents to letter size (8 1/2 by 11 inches) is prohibited. All documents filed by electronic transmission shall comply with rule 2.526 and be filed in a format capable of being electronically searched and printed in a format consistent with the provisions of this rule.

(c) Exhibits. Any exhibit or attachment to any document may be filed in its original size.

(d) Recording Space and Space for Date and Time Stamps.

(1) On all documents prepared and filed by the court or by any party to a proceeding which are to be recorded in the public records of any county, including but not limited to final money judgments and notices of lis pendens, a 3-inch by 3-inch space at the top right-hand corner on the first page and a 1-inch by 3-inch space at the top right-hand corner on each subsequent page shall be left blank and reserved for use by the clerk of court.

(2) On all documents filed with the court, a 1-inch margin on all sides must be left blank for date and time stamps.

(A) Format. Date and time stamp formats must include a single line detailing the name of the court or Portal and shall not include clerk seals. Date stamps must be 8 numerical digits separated by slashes with 2 digits for the month, 2 digits for the date, and 4 digits for the year. Time stamps must be formatted in 12 hour time

frames with a.m. or p.m. included. The font size and type must meet the Americans with Disabilities Act requirements.

(B) Location. The Portal stamp shall be on the top left of the document. The Florida Supreme Court and district courts of appeal stamps shall be on the left margin horizontally. Any administrative agency stamp shall be on the right margin horizontally. The clerk's stamp for circuit and county courts shall be on the bottom of the document.

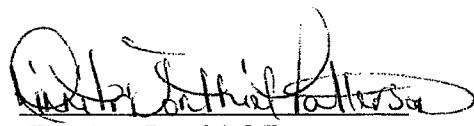
(C) Paper Filings. When a document is filed in paper as authorized by rule, the clerk may stamp the paper document in ink with the date and time of filing instead of, or in addition to, placing the electronic stamp as described in subdivision (B). The ink stamp on a paper document must be legible on the electronic version of the document, and must neither obscure the content or other date stamp, not occupy space otherwise reserved by subdivision (B).

(e) Exceptions to Recording Space. Any documents created by persons or entities over which the filing party has no control, including but not limited to wills, codicils, trusts, or other testamentary documents; documents prepared or executed by any public officer; documents prepared, executed, acknowledged, or proved outside of the State of Florida; or documents created by State or Federal government agencies, may be filed without the space required by this rule.

(f) Noncompliance. No clerk of court shall refuse to file any document because of noncompliance with this rule. However, upon request of the clerk of court, noncomplying documents shall be resubmitted in accordance with this rule.

CONCLUSION AND RELIEF SOUGHT

For all the reasons discussed herein, I, Dimitri Jonthiel Patterson, respectfully urge this Honorable Court to grant Habeas Corpus relief under 28 U.S.C. §2241.



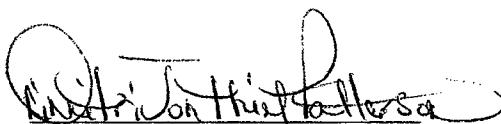
Dimitri Jonthiel Patterson
16877 East Colonial Drive
Unit 403
Orlando, FL 32820
Phone: 407-777-2269

VERIFICATION

Pursuant to 28 U.S.C. §1746, I, Dimitri Jonthiel Patterson, declare as follows:

1. As a citizen of the United States of America, and a resident of Florida, I am filing the above Petition for Writ of Habeas Corpus,
2. I have personal knowledge of the factual statements set forth in the foregoing Petition for Writ of Habeas Corpus, and if called on to testify, I would competently testify as to the matters stated herein.
3. I verify under penalty of perjury under the laws of the United States of America, that the factual statements in this Petition concerning myself as the Petitioner, and the actions of the State Officers named in this Petition, are true and correct.

Executed on June 7, 2021



Dimitri Jonthiel Patterson
16877 East Colonial Drive
Unit 403
Orlando, FL 32820
407-777-2269

Case No.:

IN THE SUPREME COURT OF THE UNITED STATES

In re DIMITRI JONTHIEL PATTERSON, PETITIONER

**APPENDICES FOR PETITION FOR
WRIT OF HABEAS CORPUS**

Date: June 7, 2021

Dimitri Jonthiel Patterson
16877 East Colonial Drive
Unit 403
Orlando, FL 32820
407-777-2269

PROOF OF SERVICE

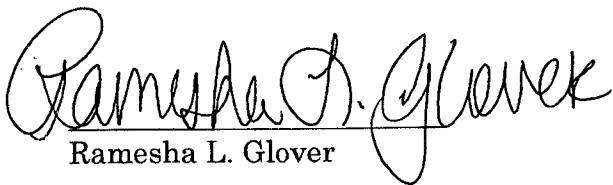
I, Ramesha L. Glover, pursuant to Rule 29.5(c) of the Supreme Court of the United States, served one copy of the Petition for Writ of Habeas Corpus and one copy of the Appendices to the Petition for Writ of Habeas Corpus to the Florida Department of Children and Families (Shevaun Harris), via Federal Express on, June 7, 2021.

Secretary Shevaun Harris
Florida Department of Children and Families
1317 Winewood Boulevard
Building 1 – Room 202
Tallahassee, FL 32399
Tracking Number: 280118971007

All parties that are required to be served have been served pursuant to Rule 29.5 of the Supreme Court of the United States.

Pursuant to 28 U. S. C. §1746, I, Ramesha L. Glover, declare under penalty of perjury that the foregoing is true and correct.

Executed on June 7, 2021



Ramesha L. Glover

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