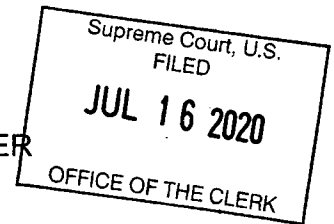


No. 20-5232

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

IRIS LAMARR ANDERSON — PETITIONER
(Your Name)



VS.
SECRETARY, MARK WCH DEPT. OF
CORRECTIONS, THE STATE OF FLORIDA'S
ATTORNEY GENERAL — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

THE UNITED STATES COURT OF APPEALS ELEVENTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

IRIS L. ANDERSON #222991
(Your Name)

HAMILTON CORR. INST. - ANNEX, 11419 SW COUNTY RD. 249
(Address)

JASPER, FLORIDA, 32052
(City, State, Zip Code)

- N.A. -
(Phone Number)

QUESTION(S) PRESENTED

1. WAS PETITIONER DENIED "FUNDAMENTAL FAIRNESS" BY STATE AND FEDERAL COURTS RESOLUTION OF HIS CLAIMS ON AN ERRONEOUS INDEPENDANT AND ADEQUATE STATE LAW GROUND?.
2. DID PETITIONER "FAIRLY PRESENT" HIS STATE AND FEDERAL CLAIMS TOO OVERCOME THE UNREASONABLE PROCEDURAL BARS?.
3. DOES THE U.S. COURT OF APPEALS DENIAL OF HABEAS RELIEF AND "CDA", CONFLICT WITH THIS COURTS DECISION IN BALDWIN V. REESE, 541 U.S. 27(2004), ON PROPER PROCEDURES IN ALERTING STATE COURTS TO FEDERAL CLAIMS?.
4. IS IT UNCONSTITUTIONAL TO PROCEDURALLY BAR PETITIONERS "GILLO VIOLATION" CLAIMS, WHEN RAISED FOR THE FIRST TIME ON POST CONVICTION RELIEF AS FUNDAMENTAL ERRORS/DUE PROCESS VIOLATIONS?.
5. WAS THE STATE OF FLA. PROCEDURAL BAR RULE ADEQUATE "OR" APPLIED IN AN ARBITRARY AND UNPRECEDENTED FASHION?.

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:

*

AVEN, BYRON, ASST. STATE ATTORNEY

BERGER, WENDY, 5TH DISTRICT COURT OF APPEALS

COHEN, JIM, 5TH DISTRICT COURT OF APPEALS

* LAMBERT, BRIAN, 5TH JUDICIAL CIRCUIT COURT JUDGE / 5TH DCA JUDGE

MORRIS, ALLISON, ASST. ATTORNEY GENERAL

PALMER, WILLIAM, 5TH DISTRICT COURT OF APPEALS

SAWAYA, THOMAS, 5TH DISTRICT COURT OF APPEALS

SCRIVEN, MARY, UNITED STATES DISTRICT JUDGE

WALLIS, F. RAND, 5TH DISTRICT COURT OF APPEALS

WILSON, , UNITED STATES CIRCUIT (11TH) JUDGE

NEWSOM, KEVIN, UNITED STATES CIRCUIT (11TH) JUDGE

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<u>APPRENDI V. NEW JERSEY</u> , 530 U.S. 466 (2000)	9
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<u>BALDWIN V. REESE</u> , 541 U.S. 27 (2004)	4,9,12
<u>F.B. V. STATE</u> , 852 So.2d 226 (2003)	7,8
<u>JOHNSON V. STATE</u> , 128 So.3d 155 (2 ND DELA 2013)	10
<u>GILLO V. U.S.</u> , 405 US 150 (1972)	10
<u>KACZMAR III V. STATE</u> , 104 So.3d 990 (FLA. 2012)	8
<u>JUDD V. HALEY</u> , 250 F.3d 1308 (11 TH CIR. 2001)	12
<u>L.A.P. V. STATE</u> , 62 So.3d 693 (2 ND DELA 2013)	7
<u>NAPUE V. ILLINOIS</u> , 360 US 264, 269 (1959)	11,12
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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 C 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 D 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 MAY 8, 2020.

[] No petition for rehearing was timely filed in my case.

☒ A timely petition for ^{RECONSIDERATION}rehearing was denied by the United States Court of Appeals on the following date: JUNE 11, 2020, and a copy of the order denying ^{RECONSIDERATION}rehearing appears at Appendix A.

[] 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

U.S.C.A. AMENDMENT XIV

.... 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;.....

U.S.C.A. AMENDMENT VI

IN ALL CRIMINAL PROSECUTIONS, THE ACCUSED SHALL ENJOY THE RIGHT.... AND PUBLIC TRIAL BY AN IMPARTIAL JURY OF THE STATE.... TO BE CONFRONTED WITH THE WITNESS AGAINST HIM.....

U.S.C.A. AMENDMENT V

NO PERSON SHALL BE HELD TO ANSWER FOR A CAPITAL, OR INFAMOUS CRIME, UNLESS ON A PRESENTMENT OR INDICTMENT.... NOR BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY WITHOUT DUE PROCESS OF LAW

U.S.C.A. AMENDMENT XIII

NEITHER SLAVERY NOR INVOLUNTARY SERVITUDE..... SHALL EXIST WITHIN THE UNITED STATES.....

FLORIDA STATUTE 817.155 FRAUDULENT PRACTICES

A PERSON MAY NOT, IN ANY MATTER WITHIN THE JURISDICTION OF THE DEPT. OF STATE [FLA.]; KNOWINGLY AND WILLFULLY FALSIFY OR CONCEAL A MATERIAL FACT, MAKE ANY FALSE, FACTICIOUS OR FRAUDULENT STATEMENT OR MAKE OR USE ANY FALSE DOCUMENT. KNOWING THE DOCUMENT TO CONTAIN ANY FALSE, FACTICIOUS OR ANY FALSE STATEMENT.

STATEMENT OF THE CASE

ON MAY 8, 2020 THE UNITED STATES COURT OF APPEALS ELEVENTH CIRCUIT DENIED PETITIONER'S APPEAL SEEKING HABEAS RELIEF AND A CERTIFICATE OF APPEALABILITY (SEE; APPENDIX C). THE COURT OF APPEALS STATED AS GROUNDS FOR ITS DENIAL THAT;

"[ANDERSON] CLAIMS WERE PROCEDURALLY BARRED FROM HABEAS REVIEW BECAUSE THEY WERE DENIED SOLELY ON ADEQUATE AND INDEPENDANT STATE PROCEDURAL GROUNDS"

THE PETITIONER ARGUES THAT THE STATE OF FLORIDA'S PROCEDURAL BAR WAS APPLIED IN AN ARBITRARY AND UNPRECEDENTED FASHION. AND, WAS MANIFESTLY UNFAIR IN ITS TREATMENT OF THE PETITIONER'S STATE AND FEDERAL CONSTITUTIONAL CLAIMS TO BE CONSIDERED ADEQUATE FOR PURPOSES OF THE PROCEDURAL DEFAULT DOCTRINE. IN ALL OF PETITIONER'S FIVE(5) CLAIMS, PETITIONER DEMONSTRATED THE REQUISITE CAUSE AND PREJUDICE, PROVIDING A CITATION FROM A FLORIDA SUPREME COURT CASE ALERTING THE STATE COURTS TO THE FEDERAL NATURE OF ALL FIVE(5) OF PETITIONER'S CLAIMS, AS WELL AS THE STATE OF FLORIDA'S EXCEPTION TOO OVERLOMB THE PROCEDURAL BAR. [SEE; APPENDIX E, THE ORIGINAL APPLICATION FOR WRIT OF HABEAS CORPUS FILED IN THE STATE COURTS].

THEREFORE BECAUSE THE STATE AND FEDERAL COURTS DECIDED THE CLAIMS ON AN ERRONEOUS PROCEDURAL GROUND, THE CLAIMS WERE NOT ADJUDICATED ON THE MERITS, AND IN SUCH BECAUSE THE CLAIMS REQUIRE ONLY A LEGAL DETERMINATION BASED ON UNDISPUTED FACTS, PETITIONER IS ENTITLED TO DE NOVO REVIEW BY THIS COURT. THE PETITIONER ARGUED IN A MOTION FOR RECONSIDERATION TO CORRECT A MISARRANGE OF JUSTICE W/ INITIAL BRIEF ATTACHED AND EXHIBITS (SEE; APPENDIX B). THAT PETITIONER DID IN FACT "FAIRLY PRESENTED" HIS FEDERAL NATURE OF HIS CLAIMS TO THE STATE COURTS AS INSTRUCTED TO DO SO BY THIS HONORABLE COURT IN BALDWIN V. REESE, 541 U.S. 27(2004). THIS REQUISITE REQUIREMENT WAS ESTABLISHED IN PETITIONER'S FIRST(1ST) GROUND OF HIS APPLICATION FOR WRIT OF HABEAS CORPUS (APPENDIX E), FILED IN THE STATE COURT AS FOLLOWS:

GROUND 1
Jury's General Guilty Verdict
Rests On A Legally Inadequate
theory Constituting Fundamental Error
to Sustain Appellants Illegal Conviction
and Sentence.

TRIAL Summary

On June 27, 2013. The Applicant was taken to trial for the offense of; Sexual Battery by Person in Fam/Lus Auth on Victim older than 12 but less than 18 yrs. of age:

The State Attorney in Opening Argument to Jury Introduced his case to Jury by stating the following:

" This Incident Included Sexual Intercourse.

The defendant Penetrated Ms. _____ Vagina with his Penis, And, the reason we know this is because a child was born from that action" (Exhibit A)

The State Attorneys (SA's) entire case rested on Proving to the Jury beyond a Reasonable doubt, that the Applicant fathered the victims Infant child. The state had to prove Sexual Intercourse Occurred and that Applicants Penis Penetrated Victims Vagina, In order to Successfully Convict of The SA's Theory.

The States 1st witness was the Victim who stated in Parts:

"Mr. Anderson' Penis Went Inside her Vagina
He didn't Wear a Condom, but he pulled out
before he ejaculated" (Exhibit B)

The State then Called detective Mike Hylton of The Ocala Police Dept. Who testified and Introduced Video tapes of The Victim (Initial Complaint), The Applicants (Initial Interview) ^(A) and All parties Involved have DNA Swabs Performed for FDLE Labs (Applicant, Victim, Infant child) to test for paternity. Afterward The State Called Thier Expert Witness

(A) On This Video The Applicant Continuously stated: The Child isn't Mine' (Exhibit G)

Mr. Brock of The Fla. Dept. of Law Enforcements DNA ANALYSIS Division, who stated In Part;

(Reasonable Doubt!) "It's possible Mr. Anderson' the father and It's possible that he's not the father" (Exhbt C)

The state at last rendered thier closing Argument to Jury, once again driving thier Theory Home, by stating the following:

"I don't think that there's any doubt with the Creation of a child, that Mr. Anderson's Penis Penetrated _____'s Vagina." (Exhbt D)

This Case was then turned over to Jury for deliberations using A General Verdict Form (Exhbt. K) with no Special Findings form. The Jury Returned A Guilty Verdict, was Polled, then dismissed. There was a ten (10) minute interval before Appellant's Sentencing Phase began. At the beginning of Sentencing Phase the state Orally Pronounced;

"There Was No Specific Finding by The Jury In this Case that there was penetration" (Exhbt. E)

SUPPORTING LEGAL ARGUMENT UTILIZING
United States and Fla. Supreme Courts
Established Rules of Law to a New or
different factual Situation

Once the Jury returned with a Guilty Verdict, The Applicant assumed that the State had proved thier Case beyond A Reasonable Doubt because; pursuant to Weaver V. State, 957 So^{2d} 588 (2007).

The Fla. Supreme Court Held:

"The Jury's General Guilty Verdict may be presumed On the element(theory) the state actually Presented, Evidence. On which the state based it's Arguments and Which the defendant Contested at trial."

In Instant Case the applicants assumption seemed to be appropriate. Until the State's Oral pronouncement of "The Jury's" No Specific Finding there was Penetration in this Case, In which clearly Constituted that the State didn't prove their Theory/Element beyond a reasonable doubt to the Jury. In Such, Establishing a Fundamental Error had occurred during Guilty Verdict. In F.B. v. State, 852 So2d 226 (2003)

The Fla. Supreme Court Held:

Such a Complete failure of the evidence meets the requirement of Fundamental error, that is; "An Error that reaches to the foundation of The Case", and is equal to a denial of due process. [SEE; BALDWIN (SUPRA)].

In Instant Case the states' Sole Argument, evidence rendered and defendants Constetations were all to prove or disapprove the State theory, In which penetration was a Mandatory element that must be Proven in Order for the State to Prove; Sexual Intercourse, and that Applicants Penis Penetrated Victims Vagina thereby establishing that Applicant Committed Sexual Battery by fathering a child with a minor (Victim). By No Specific Jury finding there was Penetration in this Case and The Applicants Conviction and Sentence resting on the element/theory of 'Sex touching' is clearly a "legally inadequate theory". In L.A.P. v. State, 62 So3d 693 (2nd DCA 2013).

The DCA Held:

Sexual Intercourse means actual contact of the sexual organs of a man and a Woman and an actual Penetration into the body of the latter.

This Citation clearly establishes that a child cannot be born by a mere 'sex touching' of a man and woman but there must be actual Penetration, whereas there was none in Instant Case.

The Fla. Supreme Court held:

A General verdict must be set aside
when Conviction may have rested on a
"Legally Inadequate Theory".

Kaczmar III v. State, 104 So3d 990 (Fl. 2012)

Also See Yates v. U.S., 354 U.S. 298 (1957)

The U.S. Supreme Court held:

It is "Constitutional Error" when a Jury
General Guilty Verdict Could've rested on
"a Legally Inadequate theory"

This argument was Denied by The Fifth Judicial Circuit. In
and For Marion County Florida (L.T.) Case No: 2013-207-LF-A-Y
merely by stating: "It should've been raised on Direct Appeal". The
Petitioner appealed this decision to the Fifth District Court
of Appeals, Case No: 5D16-0058 inwhom Per Curiam Affirmed,
although it was brought to thier attention that the L.T.
failed to follow F.R.Cr.P. Rule 3.850(d) and F.R.App.P. Rule
9.141(b), by attaching record of Court to refute claim "or" having
an evidentiary hearing. Also the L.T. overlooked "Fundamental
Error", that is, "A Error that reaches to the foundation of the
Case and is equal to a denial of due process." F.B. v. State -
(Supra). And, "Questions of Fundamental Error can be raised for
the first time on Motion to Vacate, set aside or any post-
Conviction Motion," State v. Florida, 894 So2d 941 (Fla. 2005).

By The State of Florida's Fifth District Court of Appeals,
Per Curiam Affirming it clearly established a violation of
Fed. R. Cr. P. Rule 52(b) "Plain Error" and brings in too
Question the Integrity of Florida's Judicial System", because
Petitioner's Substantial Rights clearly was violated.

* When the prosecutor Orally pronounced that:
"There is No Specific Jury findings that there
was Penetration in this Case" (Appendix Exbt E.)

But, yet the L.T. still sentenced petitioner outside the Criminal Punishment Codes, Sentencing Guideline Score sheet, to an enhanced sentence of 30 years Mandatory, knowing that the government failed to prove their case beyond a reasonable doubt to the Jury, establishing an abuse of authority, Petitioner being denied Due Process and Trial by Jury, Pursuant to Apprendi v. New Jersey, 530 U.S. 466 (2000), The U.S. Supreme Court Held:

"Other than the fact of a prior Conviction, any fact that increases the penalty for a Crime, beyond a statutory maximum, must be submitted to a Jury and proven beyond a reasonable doubt."

On that note it's settled law that petitioners sentence of 30 years mandatory must be vacated. The "Plain Error" theory is satisfied when the claimed error is Contrary to settled Law. Also petitioner's Judgment must be vacated due to The Governments Oral pronouncement of, "No Specific Jury Findings of Penetration in this Case" (Appendix exhibit E), being that the element "or" Theory of Penetration was mandatory for The Jury to find occurred in order to legally convict of alleged offense. By The 5th DCA of The State of Florida a clear and obvious Error, that violated petitioners Substantial (U.S.C.A. Const. Amend. 5) Rights. It raises a question of The Integrity of The Judicial System and Process.

Therefore Petitioners Judgment and Sentence must be vacated. And, Petitioner released from "his" Illegal Imprisonment and Compensated in the amount of \$10,000.⁰⁰ per day.

△ BALDWIN V. REESE, 541 US 27 (2004); "A LITIGANT CAN EASILY INDICATE HIS FEDERAL CLAIMS LAW BASIS IN A PETITION OR BRIEF, BY CITING TO THE FEDERAL SOURCE OF LAW ON WHICH HE RELIES." [SEE; FUNDAMENTAL ERROR]

IN THE FOREGOING ARGUMENTS GROUND ONE(1) CLAIM IT CANNOT BE RETUTED THAT THE STATE OF FLORIDA'S PROCEDURAL BAR WASN'T ADEQUATE BUT APPLIED IN AN ARBITRARY AND UNPRECEDENTED FASHION. ALSO IT'S CLEAR THAT PETITIONER "FAIRLY PRESENTED" THE FEDERAL NATURE OF HIS CLAIMS TO THE STATE COURTS, ALERTING THEM THRU CITING F.B. (SUPRA), AND LITERALLY STATING; "THE STATE DIDN'T PROVE THIER CASE BEYOND A REASONABLE DOUBT TO THE JURY." ALSO IN ANDERSON'S PETITION IT DOES EXPLICITLY SAY THAT THE WORDS "FUNDAMENTAL ERROR" IS EQUAL TO "A DENIAL OF DUE PROCESS", INWHICH ALERTED THE COURTS TO THE FEDERAL NATURE OF HIS CLAIMS. DE NOVO REVIEW BY THIS COURT IS APPROPRIATE, BECAUSE PETITIONER WAS DENIED "FUNDAMENTAL FAIRNESS" BY STATE AND FEDERAL COURTS RESOLUTION OF HIS CLAIMS, BASED ON AN ERRONEOUS INDEPENDANT AND ADEQUATE STATE LAW GROUND. BECAUSE PETITIONER DID "FAIRLY PRESENT" HIS STATE AND FEDERAL CLAIMS TO OVERCOME THE UNREASONABLE PROCEDURAL BARS.

PETITIONER ALSO RAISED A CLAIM BASED ON NEWLY DISCOVERED EVIDENCE OF "DNA CHAIN OF CUSTODY RECORDS", ASSERTING THE STATE VIOLATED GIGLIO V. UNITED STATES, 405 US 150, 92 S. CL. 763, 31 L. ED. 2d 104 (1972). THE SECOND (2ND) DISTRICT COURT OF APPEALS FOR THE STATE OF FLORIDA ADDRESSED SUCH AN ISSUE IN THIS WAY PURSUANT TO JOHNSON V. STATE, 128 So.3d 155 (2ND DCA). THE APPELLANT COURT HELD: [SEE; APPENDIX F]

THE POSTCONVICTION COURT DENIED THIS CLAIM ON THE BASIS THAT IT WAS PROCEDURALLY BARRED BECAUSE JOHNSON COULD HAVE RAISED IT ON DIRECT APPEAL. HOWEVER, THIS COURT HAS HELD THAT GIGLIO CLAIMS MAY BE COGNIZABLE IN A POST CONVICTION MOTION WHEN THE ISSUE HAS NOT BEEN RAISED ON DIRECT APPEAL. ROBINSON V. STATE, 65 So.3d 75, 76 (FLA. DEA 2011) (CITING RODRIGUEZ V. STATE, 39 So.3d 275 (FLA. 2010); AND DAVIS V. STATE, 31 So.3d ²⁷⁷ ~~277~~ (FLA. 2d DCA 2010). MOREOVER THE SUPREME COURT HAS HELD THAT "A CONVICTION OBTAINED BY THE KNOWING USE OF PERJURED TESTIMONY IS FUNDAMENTALLY UNFAIR . . . [FOR IT] INVOLVE[S] A CORRUPTION OF THE TRUTH-SEEKING FUNCTION OF THE TRIAL PROCESS" (128 So.3d. 157)

JOHNSON V. STATE, 44 So.3d 51, 53 (FLA. 2010) (QUOTING UNITED STATES V. AGURS, 427 U.S. 97, 103-04, 96 S.Ct. 2392, 49 L.Ed. 2d 342 (1976) (EMPHASIS ADDED)). THE STATES USE OF PERJURED TESTIMONY [PROBABLE CAUSE ARREST AFFIDAVIT - CHARGING INFORMATION - DNA RESULTS AND VICTIMS DNA AUDIO-VIDEO OF SWAB SAMPLE] TO SECURE A CONVICTION COULD AMOUNT TO THE DENIAL OF A DEFENDANTS [ANDERSON] SUBSTANTIVE DUE PROCESS RIGHTS. SEE NADUE V. ILLINOIS, 360 US 264, 269, 79 S.Ct. 1173, 3 L.Ed. 2d 1217 (1959); MOONEY V. HOLDHAN, 294 U.S. 103, 112-13, 55 S.Ct. 340, 79 L.Ed. 791 (1935). AND A CLAIM ALLEGING THE DENIAL OF A DEFENDANTS SUBSTANTIVE DUE PROCESS RIGHTS [FUNDAMENTAL ERROR] MAY BE RAISED AT ANYTIME, INCLUDING FOR THE FIRST TIME IN A MOTION FOR POST CONVICTION RELIEF. SEE, E.G., HUGHES V. STATE, 22 So.3d 132, 136 (FLA. 2d DCA 2009) (QUOTING HALIBURTON V. STATE, 7 So.3d 601, 605-06 (FLA. 4th DCA 2009)).

THIS IS A DECISION OF A FAIR AND IMPARTIAL PANEL OF JUDGES, CLEARLY ESTABLISHING THAT PETITIONER IRIS ANDERSON, INMATE #222991 DID PROPERLY RAISE AND ARGUE HIS CLAIMS IN A COGNIZABLE FASHION PURSUANT TO FLORIDA LAW, ONLY TO BE TREATED FUNDAMENTALLY UNFAIR, IN AN ARBITRARY AND UNPRECEDENTED FASHION, TO COVER-UP THE CORRUPTION INVOLVED IN THE INSTANT CASES ENTIRE PROCESSES, LACK OF SUBJECT MATTER JURISDICTION.

IT WAS ARBITRARY AND UNPRECEDENTED FOR THE ELEVENTH CIRCUIT, U.S. COURT OF APPEALS, TO FAIL TO CORRECT A MISARRIAGE OF JUSTICE AND "MANIFEST INJUSTICE".

PETITIONER PRAY HIS WRIT OF HABEAS CORPUS BE GRANTED AND HIS CLAIMS ARE DECIDED BY DE NOVO REVIEW WITH THIS COURT, UPON RECEIPT OF "ALL" FILED DOCUMENTS IN THE U.S. DISTRICT COURTS, ORALA DIVISION. CLERK OF COURTS OFFICE.

REASONS FOR GRANTING THE PETITION

THE REASON THIS PETITION FOR CERTIORARI REVIEW SHOULD BE GRANTED IS TO DETERMINE WHETHER THE ELEVENTH CIRCUITS UNITED STATES COURT OF APPEALS CORRECTLY INTERPRETED THE "FAIR-PRESENTATION" REQUIREMENT OR DECIDED A IMPORTANT FEDERAL QUESTION IN A WAY THAT CONFLICTS WITH THIS COURTS DECISIONAL INSTRUCTIONS IN BALDWIN V. REESE, 541 U.S. 27 (2004), UPON REVIEW OF INSTANT CASES RECORD OF COURT "ORIGINAL" STATE FILED CLAIMS ARGUMENTS ?.

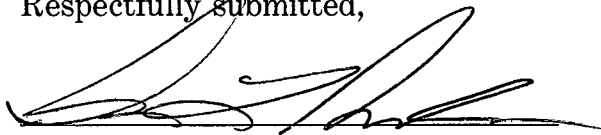
AS WELL AS THE PETITION SHOULD BE GRANTED BASED UPON THE FACTS THAT;

THE SECOND (2ND) DISTRICT COURTS OF APPEALS, A STATE COURT OF LAST RESORT HAS DECIDED AN IMPORTANT FEDERAL QUESTION CONCERNING THE STATES PROCEDURAL BARRING OF A BILLIO VIOLATION BEING UNCONSTITUTIONAL. IN A WAY THAT CONFLICTS WITH THE INSTANT CASES FIFTH (5TH) DISTRICT'S COURT OF APPEALS, A STATE COURT OF LAST RESORT ON THE SAME IMPORTANT FEDERAL QUESTION. AND, IN SUCH THE UNITED STATES COURT OF APPEALS ELEVENTH CIRCUIT, HAS SO FAR DEPARTED FROM THE ACCEPTED AND USUAL COURSE OF IT'S JUDICIAL DECISIONS (SEE; JUDD V. HALEY, 250 F.3d 1308 (11TH CIR. 2001)), BY DECIDING INSTANT CASES IMPORTANT FEDERAL QUESTION IN AN ARBITRARY AND UNPRECEDENTED FASHION, THAT CONFLICTS WITH THE SECOND (2ND) DISTRICT COURT OF APPEALS DECISION AND SUPPORTING RELEVANT DECISIONS OF THIS COURT, [SEE; UNITED STATES V. AGURS, 427 US 97 (1976), NAPUE V. ILLINOIS, 360 US 264, 269 (1959). AND, MOONEY V. HOLDHAN, 294 U.S. 103 (1935)] AS TO CALL FOR THIS COURTS SUPERVISORY POWERS, TO SETTLE THIS CONFLICT WITHIN THE COURTS.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "L. J. ...", written over a horizontal line.

Date: JULY 16, 2020