

20-5447

No. _____

ORIGINAL

Supreme Court, U.S.
FILED

JUL 30 2020

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

JOHN DAVID WILSON JR. — 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

JOHN DAVID WILSON JR

(Your Name)

MARTIN CORRECTIONAL INSTITUTION
(Address) 1150 SW. ALLAPALATHA RD.

INDIANTOWN FL 34956

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

DOES A PROPERLY FILED DEMAND FOR SPEEDY TRIAL
APPLIES TO A STATE PRISON, HELD WITHOUT BAIL IN A
COUNTY JAIL, APPLIES TO ^A THE STATE STATE PRISONER.

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:

RELATED CASES

BARKER VS WINSO., #407 U.S. 514, 534 (1972)

U.S. VS CAPERS., 708 F.3d 1286 (11th Cir. 2013)

BLACK STOCK VS. NEWMAN., 461 So.2d at 1022
(FLA. 3d DCA 1985)

FLA. R. CRIM. P. RULE 33.191

STATE VS NAVEIRA., 873 So.2d 300 (FLA. 2004)

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TABLE OF AUTHORITIES CITED

CASES

	(1922)	PAGE NUMBER
BAKER VS WINGO	5 407 U.S. 514, 534	^2
BLACK STOCK VS NEWMAN	461 SO.2d at 1022 (FLA. 3d DCA 1985)	^ 2
KASISCHKE VS STATE	991 SO.2d 83, 87 (FLA. 2008)	.. 2
STATE VS. NAVARVA	873 SO.2d 309 (FLA. 2004)	.. 2
U.S. VS FOXMAN	87 F.3d 1220 (11 th Cir. 2006)	.. 2
U.S. VS CAPERS	708 F.3d 1286 (11 th Cir. 2013)	.. 2

STATUTES AND RULES

FLA. R. CRIM. P	RULE 3.191	.. 2
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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 is unpublished.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 is unpublished.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 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 SECOND DISTRICT COURT OF APPEAL court appears at Appendix A 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**: N/A

The date on which the United States Court of Appeals decided my case was N/A.

[] 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. N/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 JULY 22, 2020. A copy of that decision appears at Appendix C.

[] A timely petition for rehearing was thereafter denied on the following date: N/A, and a copy of the order denying rehearing appears at Appendix N/A.

[] An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (date) in Application No. N/A N/A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

FLORIDA SPEEDY TRIAL RULE IS PROCEDURAL AND EXCEPT FOR THE RIGHT TO DUE PROCESS UNDER THE RULE, DOES NOT REACH CONSTITUTIONAL DIMENSIONS, AS OPPOSED TO THE RIGHT PROVIDED ~~UNDER THE RULE~~ TO THE RIGHT IN THE ~~THE~~ RULE, THE CONSTITUTIONAL SPEEDY TRIAL PERIOD IS MEASURED BY TESTS OF REASONABLENESS AND PREJUDICE, NOT SPECIFIC NUMBER OF DAYS; PLEASE SEE, STATE VS. NAVARRO, 873 So.2d 300 (FLA. 2004).

"THE INTERPRETATION OF A STATUTE IS A PURELY LEGAL MATTER THEREFORE SUBJECT TO THE DE NOVO STANDARD FOR REVIEW"; PLEASE SEE, KASSCHKE VS. STATE, 991 So.2d 83, 87 (FLA. 2018).

IN DETERMINING WHETHER GOVERNMENT HAS DELAYED FILING OF INDICTMENT AS DELIBERATE ACT TO GAIN TACTICAL ADVANTAGE AS, REQUIRED IN ORDER TO SUSTAIN DISMISSAL OF INDICTMENT DUE TO DELAY ON DUE PROCESS GROUNDS, "BAD FAITH" IN SENSE, OF SUBJECTIVE SINISTER MOTIVE IS NOT CRITICAL; KEY ELEMENT IS THAT GOVERNMENT MAKES JUDGMENT ABOUT HOW IT CAN BEST PROCEED WITH LitIGATION TO GAIN TACTICAL ADVANTAGE OVER DEFENDANT AND AS RESULT OF THAT JUDGMENT INDICTMENT IS DELAYED; PLEASE SEE, FOXMAN VS. FOXMAN, 87 F.3d 1220 (11th Cir. 2006).

CONTINUED ON THE NEXT
PAGE.

UNDERTAKEN BY USING FALSE AND MISLEADING LIES. NEWLY DISCOVERED EVIDENCE HAS BEEN DISCOVERED THAT CONCLUSIVELY PROVES THE STATE'S EMERGENCY MOTION FOR CONTINUANCE, WAS UNDERTAKEN BY FRAUDULENT MEANS.

THE STATE UNDERTOOK HER EMERGENCY MOTION FOR CONTINUANCE TO GAIN A TACTICAL ADVANTAGE, BY FORCING ME TO ACCEPT A PLEA TO A NON-EXISTANT CRIME

REASONS FOR GRANTING THE PETITION

THIS WRIT OF CERTIORARI MUST BE GRANTED DUE TO A GREAT PUBLIC IMPORTANCE OF REENSURING THE PUBLIC OF THE RIGHTONESS OF THE JUSTICE SYSTEM.

WHEN I WAS FOUND GUILTY AT TRIAL. I CONTACTED THE MEDIA WITH PROOF OF T.P.O, FALSE ARREST, AND THE ALLEGATION OF THE STATE'S LIE TO ~~DE~~ DENY ME MY CONSTITUTIONAL DEMANDED SPEEDY TRIAL.

I'VE BEEN DILIGENT, PROBATIVE, IN SHOWING MY INNOCENCE.

~~THAT~~ I'M GROWING TRIED OF ALL THESE DAM DENIAL, WHEN ALL THE COURTS, CLEMENCY, KNOWS THAT I'M INNOCENT.

I'VE DONE 20 YEARS OF A CRIME I DIDN'T COMMIT I RESPECTFULL REQUEST ONE TRIAL FREE OF LIES, AND A NEED TO CONVICT ME. I'M BETTING MY LIFE ON THIS APPEAL.

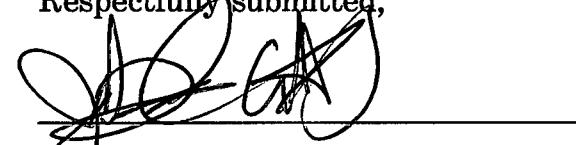
GIVE ME A NEW TRIAL OR KILL ME. BECAUSE I WILL NOT LIVE IN THIS SEWER OF HUMAN WASTE TOO MUCH LONGER.

I WILL ONCE AGAIN GIVE MY STORY OF INNOCENCE TO THE MEDIA, AND THEN YOU WILL NOT HAVE NO MORE PROBLEMS OUT OF ME.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: July 2020