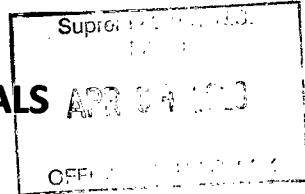


20-5515 **ORIGINAL**
Case No: 5D15-4359

IN THE UNITED STATES COURT OF APPEALS
IN AND FOR THE ELEVENTH CIRCUIT



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"In Re: Tracey A. Merrill"

vs.

THE STATE OF FLORIDA

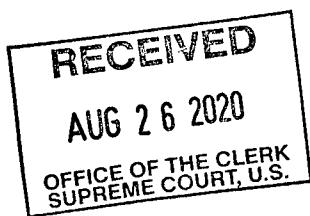
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ON PETITION FOR WRIT OF MANDAMUS

49 pages



I. The Relief Sought.

The relief sought is to dismiss the sentence and charges with prejudice against the appellant.

II. The issues presented.

The professional mission of the appellant's defense counsel was not carried out. This was a conspiring by the judge, the state attorney, and the public defender to deprive the appellant of his life, liberty, freedom, and right to a fair and speedy trial.

III. The facts Necessary to understand the issues.

The appellant demanded his speedy trial multiple times orally because defense counsel refused to file the paper motion. There was a clear and undisputable speedy trial demand. This Petitioner has made a *prima facie* showing that he in fact has been prejudiced by the state's abuse of discretion and the state failed to properly follow clearly established state and federal law. This petition states a valid claim of the denial of a Constitutional right and that a manifest injustice took place with respect to Tracey A. Merrill.

Respectfully Submitted,

/s/ Tracey Merrill
Tracey A. Merrill, pro se, DC# P30014
Calhoun Correctional Institution
19562 S.E. Institution Drive, Unit 1
Blountstown, Florida 32424

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I placed this document in the hands of a Calhoun Correctional Institution Official for mailing via U.S. mail to: Clerk of Court, U.S. Court of Appeals, 11th Cir., 56 Forsyth Street, N.W., Atlanta, GA 30303; Hernando County Clerk of Court, Hernando County Courthouse, 20 N. Main Street, Brooksville, Florida 34601.
on the 3rd day of February, 2020.

Tracey Merrill
Tracey A. Merrill, DC# P30014
Calhoun Correctional Institution
19562 S.E. Institution Drive, Unit 1
Blountstown, FL 32424-5156

Case no: 5D15-4359

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STAFF INITIALS *OK*

INMATE INITIALS *JAM*

IN THE SUPREME COURT OF THE UNITED STATES

TRACEY ALLAN MERRILL

V.

STATE OF FLORIDA

**ON PETITION FOR EXTRAORDINARY WRIT OF CERTIORARI TO
THE FIFTH DISTRICT COURT OF APPEALS
PETITION FOR EXTRAORDINARY WRIT OF CERTIORARI**

**TRACEY A. MERRILL
COLUMBIA C.I. 216 SE CORRECTIONS WAY
LAKE CITY, FL. 32025**

50 pages TOTAL

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OPINION PER CURIAM AFFIRMED 12/13/2016

FIFTH DCA

JURISDICTION

THE JURISDICTION OF THIS COURT IS INVOKED

UNDER 28 U.S.C. § 1651 (A)

QUESTIONS PRESENTED

IS THIS A DISTORTION OF JUSTICE

WAS EXTREME MALICE DISPLAYED IN THIS CASE

TABLE OF AUTHORITIES

BRANDEN V. 30TH JUDICIAL CIRCUIT COURT OF KENTUCKY, 410 U.S.

484, 35 L.ED.2D 443, 93 S.CT. 1123

DILLINGHAM V. UNITED STATES, 423 U.S. 64, 46 L.ED. 205, 96 S.CT. 303

UNITED STATES V. MARION, 404 U.S. 307, 328, (1971)

STRICKLAND V. WASHINGTON, 466 U.S. 668, 688

MOORE V. ARIZONA 414 U.S. 25, 38 L.ED.2D 183, 94 S.CT. 188

DICKEY V. STATE OF FLORIDA, 378 U.S. 30, 26 L.ED. 26, 90 S.CT. 1564

UNITED STATES V. FUREY, CA N.Y. 514 F.2D. 1098 (1975)

UNITED STATES V. LAVASCO SR, 431 U.S. 783, 52 L.ED.2D 752, 97 S.CT.

2044

BARKER V. WINGO, 407 U.S. 514 1972

UNITED STATES V. TAYLOR, 487 U.S. 326 101 L.ED.2D 297 TO 8 S.CT. 2413

(1988)

CONSTITUTIONAL AMENDMENTS, RULE OF THE COURT AND RULES REGULATING THE FLORIDA BAR THAT WERE VIOLATED THE SIXTH, EIGHT AND FOURTEENTH AMENDMENTS OF THE UNITED STATES CONSTITUTION. FLORIDA RULES OF CRIMINAL PROCEDURE demand for speedy trial 3191(b) ARTICLE 1 SECTION 16 CONSTITUTION OF THE STATE OF FLORIDA.

RULES OF THE FLORIDA BAR 4-1. 2D. A lawyer must abide by a client's decision concerning the objectives of representation. 4-84A, A lawyer shall not violate or attempt to violate the rules of professional conduct knowingly assist or induce another to do so or do so through the act of another 4-84F Knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.

STATEMENT OF THE CASE

The trial court and the Fifth DCA clearly displayed abuse of discretion a undisputable speedy trial violation took place Trial and Appellant counsel neglected their official duties as criminal defense counsel of THE GREAT STATE OF FLORIDA. Due process was violated by imposing a illegal, vindictive and increased sentence by enhancing charges with an out of State offense that was already enhanced in Illinois and was not a predicate offense not similar in elements or penalty. The Trial Court judge displayed judicial misconduct and prejudice when he held the Defendant in contempt of court twice in one court session and then failed to recuse himself before trial. Cruel and unusual punishment is being exhibited by Florida Department of Corrections by psychologically torturing the Appellant. Having the Appellant attacked at multiple institutions and impeding and frustrating the Appellant's constitutional rights of Appellate procedure.

REASONS FOR GRANTING THE PETITION

This was a blatant disregard for the United States Constitution. Both trial and appellant counsel failed to maintain personal integrity failed to maintain the public trust and displayed ineffective assistance of counsel and misconduct. The defendant demanded his speedy trial multiple times orally because trial counsel refused to file motion and "THE MAJOR EVILS protected against by the speedy trial guarantee" were violated. The actions of the Trial Court seriously interfered with the defendant's liberty. This is a deprivation of rights under the color of law, I should not be subjected to cruel and unusual punishment.

CONCLUSION

Based on the Speedy Trial Violation and the miscarriage of Justice the Appellant is respectfully requesting dismissal of all of the charges from the highest court in the land. This is an Extraordinary Case of a man's fight against a relentless, evil and corrupt system.

QUESTIONS OF GREAT PUBLIC IMPORTANCE:

Did the Defendant assert his right to a speedy trial? And was prejudice displayed to the Defendant?