ORIGINAL

20-5987

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

WILLIAM JAMES TRUESDALE,
PETITIONER,

VS.

STATE OF FLORIDA, MARK S. INCH - SECRETARY,
FLORIDA DEPARTMENT OF CORRECTIONS, et al.,
RESPONDENTS.

ON PETITION FOR A WRIT OF CERTIORARI

TO THE SUPREME COURT STATE OF FLORIDA

PETITION FOR A WRIT OF CERTIORARI

PRO SE

PROCEED IN FORMA PAUPERIS

PETITIONER

WILLIAM JAMES TRUESDALE
Prisoner ID #: 0 - 129643
DeSoto Corrections Institution Annex
13617 S.E. Hwy 70
Arcadia, Florida 34266 - 7800

QUESTION(S) PRESENT

ISSUE I

[1] Whether a state trial court's brief colloquy and abbreviated review of evidence relevant to a Batson challenge satisfied its obligation under step three of the Batson inquiry to consider "all of the circumstances that bear upon the issue of racial animosity." Snyder v. Louisiana, 552 U.S. 472, 478 (2008).

[2] Whether a state trial court's brief colloquy and abbreviated review of evidence relevant to a Neil challenge satisfied its obligation under the standard peremptory challenge on Racial, Ethnic, or Gender, grounds. Where the Florida Supreme Court departed from the restrictive in Swain v. Alabama, 380 U.S. 202 (1965), test in Batson v. Kentucky, 476 U.S. 79 (1968) and utilized the equal protection clause to uphold a defendant right not to be tried by a jury that was selected through a procedure employing purposeful of racial discrimination.

[3] Whether a state trial court's brief colloquy and abbreviated review of the information sought on the Jury Questionnaire concerning: name, age, marital status, prior jury service, relationship with law enforcement officials, witness to / victim of / or accused of a crime, occupation, employer, spouse's occupation employer, Juror No. 6 Ms. Alvarez non-disclosure of her " bad relationship or marital status" not disclose before she was sworn and impanel was perjury apond the Court.

[4] Whether Petitioner Truesdale been denied due process of equal protection of law, as well as due process clause of equal protection clause of law. By the Cleck(s) of the United States Supreme Court quarantees individual civil rights and civil liberties as well as the Act(s) of Congress of 1789, 1791, 1866, 1871, 1873, and 1885, in accordance with the United States Constitution Amendment (s) IV, V, VI, VIII, XIII, and XVI, and the State of Florida Constitution Article(s) I, Section(s) I, II, XII, XIII, XVI, and XXIII, as well as Truesdale Batson Objection or Neil Objection. A (Black-Male) African American Born in 1957 Charleston, South Carolina from a (Black-And Cherokee Woman) Born in 1920 Waterboro, South Carolina and a (Black-Male Father) Born in 1918 Macon, Georgia .... Tried by a Jury Selected, Drawn And Impaneled August 27, 2007 of Seven (7) (White-Females) .... was the landmark under the Act of Congress of March 1, 1875 decision in Strauder v. West Virginia, 100 U.S. 303 (1879) (quoting Neal v. Delaware, 103 U.S. 370 (1880) Virginia v. Rives, 100 U. S. 315 (1880)) citing Ex parta Virginia, 100 U.S. 339 (1880) § 4 of the Civil Rights Act of 1875, 18 stat. 336, was employed to authorize a criminal indictment against a judge for excluding persons from / 541 jury service on account of their race. Strauder Court held, that a statutes barring (Negro) from service on grand and petit juries denied equal protection of law, to a (Negro) man convicted of murder by an white jury. Id. at 309, exclude (Black) person from juries undermine public confidence in the fairness of our system of justice Batson Id. at 87.

[5] Whether Petitioner Truesdale been denied due process of equal protection of law, as well as due process clause of equal protection clause of law, by the Trial Court Judge Day ("Racial Bias Remarks") towarded Juror No. 8 Ms. Jamal, the Assistant State Attorneys Aaron Slavin, Janet Hunter-Olney (" Racial Profiles Strikes ") against Black African-American Jurors and Juror No. 8, as well as Trial Defense Attorney Gary Lee Potts against (" Blacks") African-American Jurors, the Third Prosecutor for the Victim (" Alias Under Cover Prosecutor ") appointed from the office of the State Attorney Bernie McCabe, former prosecutor 15 years from the same State Attorney Office whom trial Truesdale case. Also both Appellate Attorneys Kimberly N. Hopkins, and James M. Moorman, refusing to challenges my Batson Objection preserved at Trial or Neil Objection at Trial. And my private hired Postconviction Relief Attorney David F. Ranck, his (Title Company) The Miami Criminal Defense Firm, former State Prosecutor from Miami-Dade County, State of Florida, whom holded Truesdale Trial Transcript Proceedings and Legal Documents from (2009 until Jan. 27, 2011) not challenging the Batson Objection or Neil Objection preserved in the Trial Records, to (Time-Barred) my case for his (" Colleagues ") former prosecutors and prosecutors, then re-turn back to the Miami-Dade Country, State Attorney Office's as a prosecutor. But told the Florida Bar Counsel, their was nothing in the Trial Transcript Proceedings, same Records, R. Michael Hursey, P.A. received and challenges the Batson Objection preserved not responded to on it legal merits

QUESTION(S) PRESENT--Continued

[6] Whether Truesdale ineffective assistance of counsel claim at trial attorney error is objective external factor for excusing a procedural default in a state proceeding a deprivation of the constitutional right to counsel amount to a constitutional ineffective assistance imputed to the state is therefore external to Truesdale's criminal conviction.

[7] Whether Truesdale ineffective assistance of appellate attorney(s) error is objective external factor of attorney error committed in the course of David F. Ranck, Esq. his (Title Company) The Miami Criminal Defense Firm state postconviction proceedings for which the constitution does not quarantee the right to counsel in Coleman v. Thompson, 501 U.S. 722 ( ) cannot supply cause to excuse a procedural default that occurs in those proceedings. Id. at 775, 111 S.Ct. 2546 should been argue by Truesdale postconviction relief attorney against the appellate attorney(s).

[8] Whether the trial court have denied Truesdale access to " exculpatory evidence(s)" pending Truesdale conviction pursuant to Florida Statute Chapter 119 Public Records Act (4) and 5 USCA § 552 Freedom of Information Act ("FOIA") pursuant to numerous of: "DEFENDNANT'S MOTION REQUEST PUBLIC RECORDS" and " MOTION FOR RECORDS FROM ATTORNEYS" including the Court Reporters (in person, in court, court reporter tapes) and county jail visitation video tapes alter or docket.

ISSUE II

[1] Whether the trial court error " the defendant is to be imprison for a term of life" and a mandatory minimum provisions " it is further ordered that the 25 years minimum imprisonment provision of 775.087(2), Florida Statute is imposed" two sentencing.

[2] Whether the assistant state attorney the trial court and defense attorney error by using the 10-20-Life statute and a non-exist statute 775.007 to imposed a life sentence with a 25 years mandatory minimum sentence not filed in defendant felony information or given to the jury's.

[3] Whether the trial court error the defendant Truesdale's Florida guidelines case, scored (of 246.525 months) to life in prison and a second sentence of 25 years mandatory minimum sentence.

[4] Whether the trial court error the State of Florida Uniform Commitment to Custody of defendant commitment packers of defendant legal name.

ISSUE III

[1] Whether Truesdale August 28, 2009 "NOTICE OF INTENT TO SUE /WAIVER OF SOVEREIGN IMMUNITY / NOTICE OF INTENT TO PURSUE CRIMINAL CHARGES AND CRIMINAL INDICTMENT / NOTICE OF INTENT TO PURSUE CIVIL ACTION WAIVER / NOTICE OF INTENT TO PURSUE CHARGE AND OF EVIDENCE OF FALSE TESTIMONY BY STATE WITNESSES / NOTICE OF INTENT TO PURSUE CHARGE AND INDICTMENT AGAINST STATE WITNESSED OF FALSE STATEMENTS AND PERJURY BY CONTRADICTORY STATEMENTS / NOTICE OF INTENT TO PURSUE CRIMINAL CHARGE AND INDICTMENT OF SUBORNATION OF PERJURY AND DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.

(AMENDED)

QUESTION OF GREAT PUBLIC IMPORTANCE

Whether the Supreme Court of Florida haded (" Subject Matter Jurisdiction ") to have responded too, Petitioner Truesdale's original petition(s) : Petition for Writ of Certiorari (SC09-803) 4/24/09 Petition for Writ of Certiorari/Petition for Writ of Error Petition for Writ of Error Coram Nobis (SC10-763) 4/12/10 Petition for Writ of Certiorari (SC12-2683) etc., Pursuant to Article I, Section 9, Due Process and Article I, Section 16, Right of Accused and Victim; and Article I, section 13, Habeas Corpus.

iii

TABLE OF CONTENTS

iv

v

TABLE OF CONTENTS -- Continued

TABLE OF CONTENTS – Continued

Page APPENDIX

Vi

TABLE OF CONTENTS -- Continued

Page

From : WILLIAM TRUESDALE, ID: 129643
To : Martha Chavis, CustomerID: 20380412
Date : 9/23/2020 1:06:42 AM EST, Letter ID: 944156498
Location : 564
Housing : C2106L

vii

T-IX

TABLE OF CONTENT -- Continued

TABLE OF AUTHORITIES

OTHER AUTHORITIES

viii

TABLE OF AUTHORITIES -- Continued

ix

TABLE OF AUTHORITIES

TABLE OF AUTHORITIES - Continued

Page

CASES

Petitioner William James Truesdale PETITION FOR A WRIT OF CERTIORARI, to review the Supreme Court of the State of Florida, order render June 29, 2020 concern Truesdale April 13, 2020 " PETITION FOR A EXTRAORDINARY WRIT , OR WRIT OF CERTIORARI, OR HABEAS CORPUS, OR MANDAMUS, OR A WRIT OF PROHIBITION. " -

OPINIONS BELOW

The opinion of the Supreme Court of Florida is enclosed as Appendix A : Case No. SC20 - 556. But their are other opinions of the Supreme Court of Florida, already filed, In the Supreme Court of the United States Case No. 16- 1187 COCKLE LEGAL BRIEFS, Petition For A Writ Of Certiorari, prepared by: R. Michael Hursey, P.A. (Law Firm) Appendix 1 through 30 reprinted at App. 11 through App. 17.

JURISDICTION

The judgment of the Supreme Court of Florida became final on June 29, 2020 no mandate was issue. This Court's jurisdiction rests on 28 U.S.C.§ 1252 (b). The Act(s) of Congress of §§ 1789, 1791, 1866, 1868, 1871, 1873, and 1875. Pursuant to the Act of Congress of March 1, 1875, Constitution of the United States, State of Florida Constitution Articles, Federal Statutes, and Florida Statutes.

The constitutionality of the Act of Congress is drawn into question, pursuant to 28 U.S.C. § 2403(a) and I certified I have served on the Solicitor General of the United States a copy and 28 U.S.C. § 2403(b) also apply and I certified to the Attorney General the fact that the constitutionality of the Act of Congress is drawn into question.

Supreme Court of the United States other case numbers are list below as followed:
1) No. 16-1187
2) No. 18-8462
3) No. 19-5981

Appendix I: United States District Court Middle District of Florida Document 14-1 filed 03/27/14 Page ID 116 and Page ID 117 enclosed gives the Circuit Court Case No. CRC05-25009CFANO with the District Court Case No.(s.), and the Supreme Court of Florida Case No.(s).

ISSUE I

CONSTITUTIONAL AND
STATUTORY PROVISIONS INVOLVED

The Act of Congress of 1789, 1791, 1866, 1871, 1873, and 1875, was the landmark under the Act of Congress of March 1, 1875 decision in Strauder v. West Virginia , 100 U.S. 303 (1879) (quoting Neal v. Delaware ,103 U.S. 370 (1880); Virginia v. Rives , 100 U.S. 315 (1880); citing Ex parta Virginia , 100 U.S. 339 (1880) § 4 of the Civil Right Act of 1875 , 18 stat. 336 was empowered to authorized a criminal indictment against a judge for excluding person from 1541 jury service on account of race. Strauder Court held, that a statute barring (Negro) from service on grand and petit juries denied the equal protection of law, to a "Negro" man convicted of murder by an white jury, Id. at 309.

The Fourteenth Amendment to the United States Constitution provides, in pertinent part : No State shall make or enforce any law, which shall abridge the privileges or immunity of citizens of the United States .... " nor shall any State deprived any person of life, liberty, or property, with out due process of law, nor deny any person within it jurisdiction the equal protection of law ...."

The Sixth Amendment to the United States Constitution provides, in pertinent: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime 'shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation to be confronted with witnesses against him, to have compulsory process for obtaining witnesses in his favor, and have assistance of counsel for his defense.

The Fifth Amendment to the Constitution provides, in pertinent part : No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of Grand Jury " .... nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, or property without due process of law, nor shall private property to be taken for public use, without just compensation...."

The Forth Amendment to the United States Constitution provides, in pertinent : "The right of the people to be secured in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated an no warrants affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The First Amendment to the United States Constitution provides, in pertinent : ".... Congress shall make no law respecting an establishment of religion, or prohibing the free execise thereof, or abridging the freedom of speech, or the press or the right of the people peaceably to assembly , " .... and for redress of grievance. "

§ 1983. Civil action for deprivation of right

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory of the District of Columbia, subject, or cause to be subjected, any citizen of the United States or other within the jurisdiction thereof to be deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in any action brought against a judicial officer for any act or omission taken in such officer's capacity, injunctive relief shall be granted unless, a declaratory degree was violated or declaratory relief was unavailable, for the purpose of this section, any Act of Congress applicable exclusively to the District of Columbia.

§ 1343. Civil rights and elective Franchise Text (a)

The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:
(1) To recover damages for injury to his person or property, or because of the deprivation of any right or privileges of a citizen of the United States, by any a act done in furtherance of any conspiracy mentioned in section 1985 of Title 42
(2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 1985 of Title 42 which he had knowledge were about to occur and to prevent
(3) To redress the deprivation, under color of any state law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States
(4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote.
(b) for purpose of this section.--
(1) the District of Columbia shall be considered to be a State and
(2) any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia credits
(June .25, 1948, ch. 646, 62 stat. 932 Sept. 3, 1954, ch. 1263, § 42, 68 stat. 1241 Sept. 9, 1957, P.L. 85-315, Part III, § 121, 71 stat. 637 Dec. 29, 1979, P.L. 96-170, § 2, 93 stat. 1284).

Act of Congress March 1, 1975, 18 stat. 335

The provisions of the fourteenth amendment prohibiting state laws abridging the privileges of the citizen, or depriving any person of life, liberty, or property without due process of law or denying any person equal protection of law, apply exclusively to state legislation, and have no reference to illegal acts of individuals. The power granted congress to enforce it, with appropriate legislation, applies to corrective legislation only, such as may be necessary to counteract and redress the effect of such forbidden state laws,

STATE OF FLORIDA
CONSTITUTION ARTICLES PROVISIONS INVOLVED

SECTION 2. Basic rights.- pertinent in part : All natural persons, Female and Male alike, are equal before the law and have inalienable rights, amount which are the right to enjoy and defend life and liberty " No person shall be deprived of any right because of race, religion, national origin, or physical disability "

SECTION 9. Due process.- pertinent : No person shall be deprived of life, liberty or property without due process of law, or be twice put in jeopardy for the same offense, or be compelled in any criminal matter to be a witness against oneself

SECTION 12. Search and seizures.- pertinent : The right to the people to be secure in their persons, houses, papers, and effects against unreasonable interception of private communities by any means, shall not be violated. No warrant shall be issues except upon probable cause, supported by affidavit particularly describing the place or places to be searched, the person or persons, thing or things to be seized, the communication to be intercepted, and the nature of evidence to be obtained. This right shall be construed in conformity with the 4th Amendment to the United States Constitution, as intercepted by the United States Court. Articles or information obtained in violation of this right shall not be admissible under decisions of the United States Supreme Court construing the 4th Amendment to the United States Constitution

To: Martin
Date : 8/26
Location : 564
Housing : C2106L

4

4

SECTION 13. Habeas Corpus.- pertinent: The writ of habeas corpus shall be grantable of right, freely and without cost. It shall be returnable without delay, and shall never be suspended unless, in case of rebellion or invasion suspension is essential to the public safety

SECTION 16. Right of accused and victim.-- pertinent in part: "(a) In all criminal prosecutions the accused shall, upon demand, be informed of the nature and cause of the accusation, and shall be furnished a copy of the charge, and shall have the right to have compulsory process for witnesses, to confront at trial adverse witnesses, to be heard in person, by counsel or both, and have a speedy and public trial by impartial jury in the county where the crime was committed "

SECTION 21. Access to Courts.-- pertinent : The Courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay

SECTION 23. Trial by jury.-- pertinent: The right of trial by jury shall be secure to all and remain inviolate. The qualifications and the number of jurors, not fewer than six, shall be fixed by law

SECTION 24. Access to public records and meetings.-- pertinent in part: (a) Every person has the right to inspect or copy public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this constitution. This section specifically includes the legislative, executive, and judicial branches of gov and each agency or department created thereunder officer, board, and commission, or entity created pursuant to law of this constitution.

STATE OF FLORIDA STATUTES
STATUTORY PROVISIONS INVOLVED.

Chapter 782.04. Murder (2005) Florida Statute .--
§ 782.02(2). The unlawful killing of a human being, when perpetrated by any act imminently dangerous to another and evincing a deparved mind regardless of human life,although without any premeditated design to effect the death of any particular individual, is murder in the second degree and constitutes a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s.775.082, s.775.083 or s.775.084

Chapter 775.087. Possession or use of weapon aggravated battery felony reclassification minimum sentence.-

Chapter 768. Negligence (2005) Florida States.-
§ 768.28 Waiver of sovereign immunity in tort actions recovery limits limitation on attorney fees statute of limitations exclusions indemnification risk management programs.-

STATEMENT OF THE CASE

Over a century ago, the United States Supreme Court held that the government denies a black defendant equal protection of laws when it put him on trial before a jury from which members of his race have been purposefully excluded. Strauder v. West Virginia, 100 U.S. 310 (1879). The principal that the government violates the Equal Protection Clause where it purposefully or deliberately denies an individual's participation on a jury on account of that individuals race has been "consistently and repeatedly" reaffirmed. Batson v. Kentucky, 476 U.S. 79, 84 (1986). As the United States Supreme Court explained in Batson, the harm from discriminatory jury selection extends beyond the defendant alone, and touches the entire community: "[S]election procedures that purposefully exclude black person from juries undermine public confidence in the fairness of our system of justice." Id. at 87.

To prevent racial bias in juror selection, the U.S. Supreme Court placed a duty on the judges to adhere to Batson's three-step evaluative process. Id. at 89. This process culminates with the trial court's obligation under step three to assess "the persuasiveness of the prosecutor's justification for his peremptory strike." Miller-EL v. Cockrell, 537 U.S. 322, 329 (2003) ("Miller-EL II"). At step three, the trial judge is required to "assess the plausibility of [the prosecution's race-neutral] reason in light of all evidence with a bearing on it." Miller-EL v. Dretke, 545 U.S. 231, 251-52 (2005) ("Miller-EL II"). The U.S. Supreme Court has described the duty of assessing the credibility of the prosecution's proffered race-neutral reason as the "decisive question" in the Batson analysis. Henderson v. New York, 500 U.S. 352, 365, 395 (1991).

Here, the State of Florida trial court attempted to satisfy its obligation under step three of the Batson process by engaging only in a brief and abbreviated review of relevant evidence (T:205-07). The Eleventh Circuit's let stand the trial court's Batson ruling on appeal, by not ruling on the merits. Yet the Eleventh Circuit's decision squarely conflict's with decisions from the Second, Third, Seventh, and Ninth Circuits, which hold that a trial court cannot satisfy its obligation under the third step of the Batson inquiry merely by engaging in a perfunctory exercise. See Jordan v. Lefevre, 206 F. 3d 196, 201 (2d Cir. 2000), Coombs v. Diguglielmo, 616 F. 3d 255, 263 (3d Cir. 2010), United States v. Brown, 809 F. 3d 371, 375-76 (7th Cir. 2016), Lewis v. Lewis, 321 F. 3d 824, 832 (9th Cir. 2003).

This case present an important question concerning the action a trial court must take to fulfill its responsibilities under step three of the Batson process. The courts of appeals have delivered conflicting answers. Under the U.S. Supreme Court in Batson Objection as well as the State of Florida in Neil Objection unless these Court's provided the guidance, of the requirements under these two cases, the Batson framework and Neil Inquiry, petitioner Truesdale will continue to be incarcerated in violation of his Constitutional Rights, Acts of Congress, State of Florida Constitution Articles, and conflicts in the cases, involved with constituted a ("Manifest Miscarriages of Justice")

---

1 (AMENDED) This re-write PETITION FOR A WRIT OF CERTIORARI Case NO. 16-1187 "original" prepared by R. Michael Hursey,P.A. (Law Firm) filed by COCKLE LEGAL BRIEFS, re-filed by petitioner to the State of Florida Supreme Court whom haded jurisdiction to have responded.

2 "T" refer to the trial transcript, followed by the number (e. g., T: 26).

A. Batson's Three-Step Process

Batson v. Kentucky, 476 U.S. 79 (1986), established a three-step procedure for determining whether a peremptory challenge violates the Equal Protection Clause. The First step requires the opponent of a peremptory challenge to make a prima facie case of racial discrimination. Id. at 94. Second, if a showing is made under step one, the government must offer a race-neutral justification for the strike. Snyder v. Louisiana, 552 U.S. 472, 476-77 (2008). Finally, the trial court must evaluate all relevant evidence and determine whether the opponent of the strike has proved purposeful discrimination. Miller-EL II, 545 U.S. at 252.

Here, in response Petitioner Truesdale's Batson objection, the state prosecutor offered a purported race-neutral justification mooting step one of the Batson process, Hernandez v. New York, 500 U.S. 352, 359, 365, 395 (1991) and ostensibly satisfying step two (T: 205).

This case therefore turns on step three of the Batson inquiry, which requires the trial judge to "assess the plausibility of [the prosecution's race-neutral] reason in light of all evidence with a bearing on it." Miller-EL II, 545 U.S. at 252 see also Snyder, 552 U.S. at 478 (holding "[A]ll of the circumstances that bear upon the issue of racial animosity must be consulted.").

B. The Underlying Case and the Batson Objection .

1. Factual Background.

Truesdale was charged with 2nd degree murder (T: 37). Truesdale pled not guilty, and the state trial court set a jury trial to begin on August 28,2007 (T: 9). The jury was selected that same day (T: 212). The jury comprised six white females and a white alternate to try Truesdale, a black man, charged with second degree murder of a woman (T: 213).

2. The Venire

The venire comprised 37 people, five or six which were African American ("black"), and one ethnic minority (Syrian?) (T: 206, 209, 212). In 2005 , Pinellas County, FL was 82% white, 10% black, and 8% other (see 2005 U.S. Census hhps://fact finder.census.gov/faces/table services/pages/product view.xhtml?src=CF).

The venire was seated on August 28, 2007 (T:33). The trial judge used the struck-jury method (T:33, 59). See Roger Allan Ford, Modeling the Effects of Peremptory Challenges on Jury Selection and Jury Verdicts, 17 GEO. MASON L. REV. 377, 384 (2010) (describing the struck-jury selection method). Under that method, voir dire, excuses, challenges for cause, and peremptory challenge are performed once on the entire panel of potential jurors and alternates, rather than being repeatedly performed on smaller subsets as would be the case under the sequential-selection method. At the time the Truesdale prosecution and defense ex.revised their peremptory challenges,counsel had reviewed jury questionnaires and had heard the court's voir dire of all the potential jurors and alternates.

Third-seven potential jurors sat in the venire, including any potential alternates (T:206 , 209, 212). Only five or six members of the 37 were black, with one ethnic minority (Juror No. 8 Jamal).

3. The "Victim of Crime" Question on the Jury Questionnaire

Before the trial, each potential juror submitted answers to the court's Jury Questionnaire, which sought information concerning: name, age, marital status, prior jury service, relationships with law enforcement officials, witness to /victim of/ or accused of a crime, occupation, employer, spouse's occupation/employer (T: 24-27).

One question on the Juror Questionnaire sought information on the potential juror (or family or close friend) had been the "Victim of Crime":

HAVE YOU OR ANY MEMBER OF YOUR IMMEDIATE FAMILY
OF ANY CLOSE FRIEND :

3. BEEN THE VICTIM OF A CRIME?
YES _____ NO _____

Several venire members who were questioned about "are you a victim of crimes?", and the Juror Questionnaire, specifically Juror Nos. 4 Easterday, 5 Faulkner (T:150-51), 8 Jamal (T:151-52), 14 Montague (T:156), 15 Kronauge (T:155), 17 Ms. Harrison (T:154), 19 Kelley (T:153), and 24 Walton (plus four other jurors not reached during final jury selection).

Two jurors actually selected for the jury also checked "YES" to the "Victim of Crime" question, specifically Juror No. 3 Ms. Malay, and Juror No. 6 Ms. Alvarez. But neither the court, the State, nor defense inquired further of Juror No. 3 (T:94-95, 159-60, 168-70) or Juror No. 6 (T:9) (both white females) regarding the "Victim of Crime" question.

But the prosecutor would later use a peremptory strike against ethnic minority Juror No. 8 Jamal, contending the potential juror's response to the "Victim of Crime!" question was the reason the prosecutor " challenge" her (T:205).

---

3 Petitioner has reproduced un-redacted excerpts from the voir dire transcript, day one of the jury trial, and Juror Questionnaire in this Petition.

4 The Appendix (App.1 - App. 30) is not " re-write" in this petition. The " original petition" is enclose as Appendix _____ to be review with this re-write petition.

5 The "Victim of Crime" Question on the Jury Questionnaire is (AMENDED) adding Juror No. 6 Ms. Alvarez non-disclosure bad marital status to this partition at end of argument.

6 Petitioner also (AMENDED) Florida Supreme Court "controlling case" State v. Neil, 457 So. 2d 481, 486 (Fla. 1984) to this "original petition" Case No. 16_1187 filed in the Supreme Court of the United States by R. Michael Hursey, P.A. prepared by COCKLE LEGAL BRIEFS.

4. The Voir Dire

The state trial court conducted the initial voir dire. During the defense questioning, Juror No. 8 Jamal was asked to expand upon her response on the juror questionnaire regarding "3. Been the victim of a crime?"This exchange took place:

MR. POTTS (defense attorney): Ms. Jamal, you- somebody you knew was a victim?
PROSPECTIVE JUROR JAMAL: Me .
MR. POTTS: And when was it, if you don't mind me asking?
PROSPECTIVE JUROR JAMAL: It was a hate crime.
MR. POTTS: How long ago was that?
PROSPECTIVE JUROR JAMAL: A couple of years ago.
MR. POTTS: Was that resolved to your satisfaction?
PROSPECTIVE JUROR JAMAL : No, it wasn't.
MR. POTTS: Did it go to court?
PROSPECTIVE JUROR JAMAL: No.
MR. POTTS: Do you have any animosity or problem with the police or anything because of that?
PROSPECTIVE JUROR JAMAL: Well, I wasn't happy with the way it came out, but, no, I don't have any problems with them.
MR. POTTS: You could be fair to both sides?
PROSPECTIVE JUROR JAMAL: Yes. (T:151-52)

Potential Juror No. 32 William Harrison (black) was struck by the State for cause became of answers about his distrust of the system, lawyers, etc., and the credibility issues regarding the testimony of law enforcement compared to that of other witnesses (T:67-73). Juror No. 32 said he could be fair (T:73-77). This strike for cause can be reviewed to show a "pattern" by the State of striking minorities.

5. The Peremptory Challenges

The Truesdale prosecutor exercised 6 peremptory challenges with respect to the 37 potential jurors, and no peremptory challenge with respect to the alternate juror (T:202-05).

The State's peremptory challenge of Juror No.8 Ms. Jamal
(Batson challenge)

The prosecution exercised its fifth peremptory challenge with respect to ethnic minority Excluded Juror 8, Ms. Nazipha Bebi Jamal (T:205). Defense counsel objected (T:205-07).

The prosecution stated these rationale for exercising a peremptory challenge on ethnic minority Juror 8:
MS OLNEY: State would strike Jamal.
MR.POTTS: And, Judge we ask a reason, please.
THE COURT: Ms. Olney.

MS.OLNEY: Judge, the State is challenging Ms. Jamal because of her dissatisfaction with a hate crime that was committed upon her, and her dissatisfaction of the lack of prosecution in that case.
THE COURT: Did she indicate that occurred in this jurisdiction?
MS. OLNEY: Yes, Judge.
THE COURT: Mr. Potts, did you have anything more to say to that?
MR. POTTS: I think she expressed an ability to go forward.
MS. OLNEY: It's not a cause it's a --
THE COURT: Yeah, yeah, yeah.
MR. POTTS: It still has to be an adequate reason. I'm not going to stipulate to that as an adequate reason --
THE COURT: I'm giving you a chance to challenge the reasonableness of their - their rationale. That's what we're doing right now.
MR. POTTS: And I was just stating my reason, Judge, and I was just told that this was not a cause challenge. My recollection, when I spoke to her about that -- and it didn't rise to any real level of concern with me - she didn't express any real level of concern about it, that experience.
THE COURT: I'm going to ---
MS. OLNEY: Judge ---

THE COURT: No, no, you got a turn. He got a turn. Now, I get a turn. I'm granting the challenge. I think the rationale they gave, I don't belive that that point was so rehabilitated as to officiate it has a reasonable rationale, so I will grant that cause challenge by the State -- I'm sorry--that peremptory challenge by the State, notwithstanding the fact that Ms. Jamal is of a distinct ethnic group. (T:205-06)

Although the court did not explicitly rule the asserted race-neutral challenge was credible, it ruled the prosecutor "has a reasonable rationale" (T:206). This was so even though defense counsel had quickly articulated both procedural and substantive problems with the peremptory challenge (T:206). The court, however, overruled the defense's objection (T:206).

But the court misapprehended its role.To satisfy step three of the Batson test, a legitimate reason is not a reason that makes sense, but a reason that does not deny equal protection. Purkett v. Elem, 514 U.S. 765, 766 (1995). /Truesdale's equal protection rights were so violated when the court applied its self-styled "reasonable rationale" standard.

Truesdale himself asked of the court, " . . . but I don't understand why No. 8 [Ms. Jamal] had to be striked " (T:208 - 09). The court attempted to buttress its prior Batson ruling by noting:

THE COURT: Well, yeah, I'm going to let Mr. Potts explain that to you, because it's sort of a complicated back-and-forth legal issue, but she was not struck for being -- she was not struck for cause. She was not struck for cause.It's just that's because she is a member of the minority group, so if you strike her without cause, you've got to give -- you've got to show that it not from prejudice, a reasonable prejudice.

In other words, they struck her because they're trying to get -- I don't know where the lady is from , but let's assume she is Pakistani or, you know, Syrian. You know, they were -- if they were trying to keep all Muslims off the jury or something, it would be necessary to show that that's not what they were doing, but it was for some other reason.

By the way, I don't know the lady's ethnicity and if she's a follower of Islam. And from her name, I assume she's from somewhere -- from somewhere east of Europe. (T:209)

The above improper statements by the court show it focusing on whether Juror No. 8 is Muslim, or a follower of Islam, or from Pakistan or Syria. But certain other settlements made off the record by the trial court regarding Jurou No. 8 (Ms. Jamal) reveal the court's true feeling regarding putting an ethnic minority on the jury. The court said words to the effect of "Why would we allow Juror No. 8 on your jury? She's not even from here, she's from some foreign country, and doesn't belong here. She would probably vote you 'not guilty. ' " After this remark, most of the staff, the judge, and the attorneys laughed. But this remark by the judge was not included in the trial transcript. All of these remarks by the trial court show it did properly apply step three of the Batson procedure for looking at the underlying reason the prosecutor used a peremptory strike on Juror No. 8. It appears the trial court is in collision with the prosecutor to " cover up " the real reason for the State's peremptory strike (she is an ethnic minority).

In Pena-Rodriguez v. Colorado, 580 U.S. ___ (2017)(Slip op. March 6, 2017), the Court recently reiterated: " [T]he central purpose of the Fourteenth Amendment was to eliminate racial discrimination emanating from official sources in the States. " Citing McLaughlin v. Florida, 379 U.S. 184, 192 (1964). Id. Time and again, this Court has enforced the Constitution's quarantee against state-sponsored racial discrimination in the jury system, and struck down laws and practices that systematically exclude racial minorities from juries. Neal v. Delaware, 103 U.S. 370 (1880). Id. The remarks by the Truesdale trial court about Juror No. 8 " not being from here" , etc., show state-sponsored racial discrimination in the jury system contra Pena- Rodriguez, supra.

Further, the Truesdale trial court erred when it used its own "reasonable prejudice" standard in deciding step three of the Batson procedure. This is not a proper standard for the Batson analysis. Further, it is revealing that the State neither used a cause challenge on Juror No. 8 Ms. Nazipha Bebi Jamal, nor used a peremptory challenge on her the twelve prior times she was previously tendered as a member of the prospective 6-member jury panel. (T: 202- 05).

It is telling that the prosecutor accepted two white female jurors (No. 3 Ms. Malay and No. 6 Ms. Alvarez) on the final panel selected, who also indicated on the Juror Questionnaire they were "victim of crime." The prosecutor did not even make further inquiry of either Juror No. 3 (T: 94-95, 159-60, 168-70) or Juror No. 6 (T:9) regarding the facts behind their being " victim of crime." Also, the prosecutor could have used a peremptory challenge on either Juror No. 3 or Juror No. 6 any of the nineteen times they were tendered as jurors on the presumptive panel (T: 202-08). So this shows the "Victim of Crime" reason for striking Juror No. m8 Ms. Jamal was pretextual reason for striking her because she is an ethnic minority.

In Snyder, supra, the Court held a side-by-side comparison of stricken blacks to seated whites also is appropriate. 552 U.S. 472, 483, 489. Such a chart comparison in Truesdale of a stricken minority (Juror No. 8 Ms. Jamal) to seated whites (Juror No. 3 Malay and Juror No. 6 Ms. Alvarez) shows the alleged reasons for the prosecutor striking Juror No. 8 were pretextual:

12

TRUESDALE JUROR SELECTION
(side-by-side comparison)

	Juror No. 8. Jamal (excluded) Batson challenge	Juror No. 3. Maloy (accepted on jury)	Juror No. 6. Alvarez (accepted on jury)
Race	Ethnic minority (Syrian?)	White	White
Gender	Female	Female	Female
" Victim of Crime" per Juror Questionnaire	Yes	Yes	Yes
" Victim of Crime " per statements in voir dire	Yes	Not asked questions about "victim?" during voir dire	Not asked. questions about " victim?" during voir dire
# of times accepted by State on presumptive panel	12	19	19
Dissatisfied with. investigation/ results	Yes	Not asked questions about " dissatisfied?" during voir dire	Not asked questions about "dissatisfied?" during voir dire
Cause challenge	No	No	No
Peremptory challenge	Yes-by State	No	No

6. The Result

After empaneling the all-white, all-female jury and white female alternate, the trial court conducted the remainder of the three-day trial (T:214-941). On the first day of trial, Juror No. 6 Ms. Alvarez, called the Judge and asked to be dismissed from jury duty because of a dispute with her husband. She was replaced by the white female alternate Jorur No. 26 Ms. Mc Nay (T:268-70). The jury convicted Truesdale as charged (T:941). The trial court sentenced him to life in imprisonment with 25 years mandatory minimum under the 10/20life statute (T:973 - 4).

C. The Court of Appeals' Decision

The Eleventh Circuit did not reach the merits of the trial court's Batson ruling, holding Truesdale was time-barred from raising that issue (App. 5-7).
Truesdale had been previously time-barred from raising the Batson issue at the U.S. District Court in Tampa, FL, before appealing to the Eleventh Circuit (App. 10-30). Truesdale raised the instant Batson issue in pro she briefs in both his 28U.S.C. § 2254 petition in federal trial court, and the appeal of that decision to Eleventh Circuit.

To the extent Truesdale reasserts his claims for relief, he presents new evidence showing his innocence that would permit the review of time-barred petition. See McQuiggin v. Perkins, 133 S. Ct. 1924, 1927-28 (2013).

REASONS FOR GRANTING THE WRIT

A. The Courts Of Appeals Are Divided Over The Actions That A District Court Must Take To Fulfill Its Responsibilities Under Step Three Of The Batson Procedure

At issue here is whether Truesdale's trial court's brief colloquy and cursory review of evidence relevant to a Batson challenge on Juror No. 8 (Jamal) is sufficient to satisfy its obligation under Batson's step three to consider " all of the circumstances that bear upon the issue of racial animosity." Snyder, 552 U.S. at 478. Decisions from the United States Court of Appeals for the Second, Third, Seventh, Ninth, and Eleventh Circuits clarify that it is not.

The Second Circuit concluded in Jordan v. Lefevre, 206 F.3d 196 (2d Cir. 2000), the trial judge " could not properly decide the third Batson step" because he provided defense counsel "no time to identify the relevant facts and assess the circumstances necessary to decide whether the race-neutral reasons given were credible and nonpretextual." Id. at 201. There, defense counsel objected under Batson to the prosecutor's use of peremptory challenge after the prosecution had struck several potential African-American jurors. Id. at 199. The trial court, however, to "save ... an awful lot of time," ruled summarily on the Batson challenge after an extremely brief colloquy, and resisted defense counsel's efforts to make an additional statement regarding the Batson challenge to create a full record.Id.

The Second Circuit determined that the trial court's "cursory treatment" of defense counsel's Batson objection did not satisfy the third step of the Batson inquiry, which demands that the trial court consider "all relevant circumstances surrounding a defendant's prima facie showing of discrimination." Id. at 201. According to the court of appeals, the trial court engaged only in a "perfunctory exercise designed to speed the proceedings along," which did not constitute the "meaningful inquiry into the question of discrimination," as mandated by Batson. Id.

Similarly, the Third Circuit Court of Appeals concluded in Coobms v. Diguglielmo that a trial court failed to conduct a "full and complete" Batson third step analysis where it unreasonably limited defendant's opportunity to prove that the prosecution's reasons for striking potential African-American jurors were pretextual. 616 F.3d 255, 263 (3d Cir. 2010). In Coombs, both the prosecution and defendant raised Batson challenges, the prosecution raising a "reverse Batson" challenge based on the defendant striking three potential white jurors, and the defendant raising a Batson challenge based on the prosecution's use of two peremptory strikes on African-American venire members. Id. at 257_58. After both attorneys proffered their race-neutral justifications, the trial judge denied both motions, stating that both attorneys were "much too good lawyers to do something like that'" Id. at 258 (internal quotations omitted). At the close of voir dire, defendant again raised the Batson challenge, but before the prosecutor could offer a race-neutral justification, the trial court stated: " I'm not finding there's another pattern."Id. (internal quotations omitted).

Although the prosecution offered race-neutral explanations, the trial court only responded by stating "[l]et's go. Are we ready to? Do we have the bills?" Id. (internal quotations omitted). When defendant then inquired whether the court was accepting the government's justifications and denying the Batson challenge, the court replied "[y]es.Id. (internal quotations omitted). The trial court conducted no further inquiry into the prosecution's explanation. Id.

In determining that the trial judge failed to satisfy step three of Batson, the Third Circuit in Coombs, supra, clarified that trial courts fail to engage in the required analysis when they " fail [ ] to examine all of the evidence to determine whether the State's proffered race-neutral explanations [a]re pretextual." Id. at 262 (internal quotations and citations omitted). The Coombs court of appeals also explained that Batson's three-step process "allows the trial court to respond to a Batson challenge in a meaningful, rather than a pro forma, manner." Id. Applying this standard, the court of appeals concluded that the judge "effectively omitted the third step of the Batson inquiry" by " unreasonably limiting" the defendant'a opportunity to show that the proffered race-neutral reasons were pretextual. Id. at 263.

The Third Circuit stressed the trial court's insistence that the trial proceed quickly prevented any inquiry into whether one of the prosecutor's proffered reasons for excluding a potential African-American juror -- i. e., that the juror " didn't check off many boxes [on the jury questionnaire]" -- applied equally well to white venire members who the prosecutor did not exclude. Id. at 263. According to the court of appeals, that side-by-side comparison, "would have been essential part of any meaningful inquiry into prosecutor's' explanation." Id.

In this vein, the Seventh Circuit opined in United States v. Brown, 809 F.3d 371, 375-76 (7th Cir. 2016), the trial court's abbreviated inquiry in Batson's third step was adequate (holding in the third step of the Batson analysis, the trail court must determine whether the defendant has shown purposeful discrimination here the government's justification was "sincere").

Similarly, the Ninth Circuit concluded in Lewis v. Lewis that the trial court failed to fulfill "affirmative duty" under Batson's third step to determine whether purposeful discrimination occurred where the trial court conducted only an "abbreviated review" of the record and stated that the prosecutors' third race-neutral reason was "probably... reasonable." 321 F.3d 824, 832 (9th Cir. 2003) (internal quotations omitted). In Lewis, an African-American potential juror provided information about the employment history of her relatives, stating that her niece worked as a nurse officer and her nephew as a jailer, but not indicating at which facilities her relatives were employed. Id.at 827. The potential juror later stated that one relative worked locally and one worked out of town. Id. After the defendant objected to the prosecutor's strike under Batson, the prosecutor proffered several race-neutral reasons, including that the potential juror might receive information about the jail housing the defendant through her employed relative. Id. at 827 -28. Although the district court rejected several of the prosecutor's reason concerning the jail was "probably... reasonable." Id. at 832 (internal quotations omitted). Yet the trial court also offered a conflicting description of its recollection of the record, stating both it was unclear which relative worked in the jail but also stating that "[the relatives] would be working any place but the jail.!" Id. at 832 (internal quotations omitted).

Considering these facts, the Ninth Circuit in Lewis, supra, concluded that the trial court failed to satisfy step three of the Batson process, explaining that the trial court did not conduct a "meaningful step-three analysis" where it conducted only an "abbreviated review of the record" that produced, at best, equivocal support for the prosecutor's justification. Id. at 832.

Finally, in the Eleventh Circuit, the court is also concerned about the judge giving short shrift to step three of the Batson analysis. In Atwater v. Crosby, 451 F.3d 799, 806-07 (11th Cir. 2006), the court noted that when a judge merely repeats the proponent's reason for exercising the strike, the judge has not satisfied the third part of the Batson inquiry.

The Eleventh Circuit has additional precedent which shows how Truesdale's jury selection violated Batson. Although the ultimate composition of the jury does not nullify the possibility of gender discrimination, it is a significant factor in the highly deferential review the appellate court affords to the district court's conclusions. United States v. Tokars, 95 F.3d 1520, 1532- 33 (11th Cir. 1996). Accord J.E.B. v. Alabama, 511 U.S. 127 (1994). So Truesdale's all-white all-female jury and white female alternate smack of sexual and racial discrimination. That a defendant may have had "unclean hands" because he, too, violated Batson does not excuse the State's violation. Eagle v. Linahan, 279 F.3d 926, 942-43 (11th Cir. 2001). So defense counsel striking black female juror No. 31 Eaton is of no moment. A Batson violation may never be deemed harmless. Batson does not require there be a "pattern" of discrimination to establish a prima facie case. Rather, the challenging party must establish an inference of racial discrimination through any means. Madison v. Commissioner, Ala. Dept. of Corrections, 677 F.3d 1333 (11th Cir. 2012).

The number of black jurors struck is not dispositive of whether a prima facie case has been established. United States v. David, 803 F.2d 1567, 1569- 71 (11th Cir. 1986). A comparison of stricken whites with stricken blacks is relevant to a Batson claim a comparison of stricken blacks to seated whites also is appropriate. Snyder, supra, 552 U.S. 472, 483, 489 (concluding the prosecutor's reason for exercising a strike against a potential black juror applied equally to a white juror who the prosecutor did not strike, casting doubt on the legitimacy of this explanation). Davis v. Secretary for Dept.of Corrections, 341 F.3d 1310, 1316 -17 (11th Cir. 2003) (predicting in context of habeas corpus petition, Florida appellate courts would find Batson violation may not be deemed harmless).

The above cases clarify that in the Second, Third, Seventh, Ninth, and Eleventh Circuits, a trial court cannot satisfy its obligation under the third step of the Batson inquiry merely by engaging in a perfunctory exercise. See Jordan, supra, 206 F.3d at 201 (finding perfunctory exercise designed to speed proceedings along did not satisfy third step of Batson) Coombs, 616 /F.3d at 263 (trial court failed to conduct a "full and complete" Batson step three analysis where it unreasonable limited defendant's opportunity to prove that the prosecution's proffered reasons for striking potential African-American jurors were pretextual) Lewis, 321 F.3d at 832 (holding trial court's "abbreviated review of the record" and statement that prosecutor's reason was "probably... reasonable" did not satisfy Batson's third step).

Yet the Eleventh Circuit's decision in Truesdale is squarely at odds with the decisions from the Second, Third, Seventh, and Ninth Circuits, discussed above. Here, after defense counsel objected to the state's use of a peremptory strike on ethnic minority Excluded Juror 8, the prosecution proffered its purported race-neutral justification: victim of a crime, dissatisfied with lack of prosecution based on Excluded Juror 8's answer in court during voir dire (T:205 -06) But before defense counsel could fully respond to the state's proffered justification, the court declared using its own standard the State " has a reasonable rationale", and granted the State's peremptory strike (T:206).

Notably, the trial court made no findings concerning similar responses of other potential jurors (T:206). Instead, the trial court conducted the Batson analysis with undue haste and ruled in a summary fashion (T:205-06).

The trial court did not genuinely provide Truesdale a meaningful opportunity and time to review all relevant evidence, and present arguments concerning it (T:205-06). The "comparison" argument (comparing struck black jurors, with white jurors with similar traits not struck) may well have been raised had the trial court conducted a full and completed Batson inquiry. If defense counsel had been afforded the opportunity to review all of the jury questionnaires, he would have pointed to weaknesses in the prosecutor's proffered reason, such as similarly situated non-African American jurors who the State did not strike (Juror No. 3 Ms. Maloy and Juror No. 6 Ms.Alvarez).

Review is needed here because the Eleventh Circuit has decided this case in a way that conflicts with decisions of other courts of appeals. This Court should resolve this issue to achieve uniformity in the lower court' application of Batson's three-step evaluative process. Resolution of this issue is significant. This Court has emphasized repeatedly that the harm from discriminatory jury selection practices undermines the very integrity of the courts. Miller-El II, 545 U.S. at 238 (finding "[T]he very integrity of the courts is jeopardized when a prosecutor's discrimination 'invites cynicism respecting the jury's neutrality,'... and undermines public confidence in adjudication." (quoting Powers v. Ohio, 499 U.S. 400, 412 (1999)))

AMENDED

B. Peremptory Challenges on Racial, Ethnic, or Gender Grounds

1. The right to exercise peremptory challenges in a completely unfettered. The law prohibits the use of peremptory challenges to exclude prospective jurors because of their membership in a district protected group. This issue of racially motivated peremptory challenges was first addressed by the United States Supreme Court in Swain v. Alabama, 380 U.S. 202, 85 S.Ct. 824 (1965). In S.wain, the Court created a presumption that challenges were exercised to secure an impartial jury and required that purposeful discrimination by the use of peremptory challenges be proved by a defendant only by a showing of discriminatory practices employed systematically in a number of similar cases or contexts. Swain's demand to make out a continuity of discrimination over time was characterized as imposing an "impossible burden" and a "crippling burden of proof" citing Neil v. State

---

7 Truesdale (AMENDED) (T:268-270 et seg.) Juror No. 6 Ms. Alvarez Telephone call to Judge Day at 9:40, or thereabouts August 29,2009 these Three (3) Pages (enclosed) proves this information should been disclose to the Court, State and Defense, during Jury Questionnaire Voir Dire, she could have approach the judge at bench or chamber, and disclose her "marital problem" or "bad relationship" et al., our impaneled should been strike for cause, not No. 8.

The Court depart from the restrictive Swain test in Batson v. Kentucky, 476 U.S. 79, 100 S. Ct. 1712 (1986) and utilized the equal protection to uphold a defendant right not to be tried by a jury that was selected through a procedure employing purposeful racial discrimination. In contrast to its decision in Swain, the Court held " that a defendant may establish a prima facie case of purposeful discrimination in selection of the permit jury solely on evidence concerning the prosecutor's exercise of peremptory challenges at the defendant's trial, In Flowers v. Mississippi, _____ U.S. _____, 139 S. Ct. 2228 (2019). 1. the Court emphasized that equal justice requires may not be use to exclude prospective jurors on the base of race and explained:

The primary purpose of peremptory challenges is to aid and assist
in the selection of an impartial jury. It was not intended that such
challenges by used to encroach upon the constitutional quarantee of an impartial jury.

The initial application of the Neil test to peremptory challenges based on race was eventually expanded on a step-by-step basis. The initial decision concerned African-American jurors. Subsequently, the FLORIDA Supreme Court held that Hispanic are a "congnizable class". The Court stated the "impartial jurors cannot be peremptory challenged on their membership in a particular ethnic group". Jews were determined to constitute an ethnic group. The concept was extended and prospective jurors who are white were determined to constitute a distinct racial group.

The Supreme Court extended its Batson rational to peremptory challenges made on basis of a juror's gender. The Supreme Court stated that the "Equal Protection Clause prohibited discrimination in the jury selection on the basis of gender, or on the assumption that a individual will be biased in a particular case for no reason other than the fact that the person happen to be am woman or happen to be a man". The Florida Supreme Court spectically followed this ruling and the Melbourne guidelines apply to claim of gender-based discrimination. Melbourne v. State, 679 So. 2d 759, 764 (Fla. 1996).

The Florida Supreme Court reasoned in State v. Neil, 457 So.2d 481, 486 (Fla. 1984) that both the state and the defendant are entitled to an impartial jury . In Kibler v. State, 546 So. 2d 710, 712 (Fla. 1993), the Florida Supreme Court, in Holland v. Illinois, 493 U.S. 474, 110 S. Ct. 803 (1990). held that a prosecutor's challenge of a juror on racial grounds violated the equal protection interest of the juror and that a white defendant may protect those interests.

A trial court must hold a hearing when a party timely objects to the discriminatory use of a peremptory challenge. This requirement was described by the Florida Supreme Court as follows:

When a Neil objection is properly raise ... the time for the heading has come. The requirement established by Slappy cannot be met unless the hearing is conducted during the voir dire process. Only at this time does the court have the ability to observe and place on the record relevant matters about juror's responses or behavior that may be pertinent to a Neil inquiry. State v. Slappy, 552 So. 2d 18, 22 (Fla. 1988).

The action that a trial court must take if it finds that a peremptory challenge is racially motivated was specifically addressed in Neil. There, the Florida Supreme Court stated that "the trial court should dismiss the jury pool and start voir dire over with a new pool. "

The court in Neil predicted this remedy on the fact that a number of jurors had already been excluded from the jury pool for discriminatory reasons. The rationale behind striking the entire jury panel is to provide the complaining party with a proper venire and not one that has been partially or totally stripped of potential jurors through the use of discriminatory challenges. The court did not intend for a new jury pool to be the exclusive remedy for the discriminatory use of peremptory challenges.

In Williams v. Florida, 339 U.S. 79 (1970) 339 U.S. at 100, 90 S. Ct. at 1905, the Court reaffirmed that the "purpose of the jury trial, as noted in Duncan, is to prevent oppression by the Government." Providing an accused with the right to be tried by a jury of his peers gave him an inestimable safeguard against the corrupt or overzealous prosecutor and against the complaint biased, or eccentric judge. ' Duncan v. Louisiana, [391 U.S. ,] at 156, 88 S. Ct. at 1451. See Apodace v. Oregon, 406 U.S. 404, 410, 92 S. Ct. 1628 (1972), (opinion of White, J.) this purpose is attained by the of the community in determination of built or by the application of the common sense of layman who, as juror's consider the case. Neil, a simple objection and allegation of racial discrimination is sufficient, e. g., I object. The strike is racially motivated. Johnson v. State, 27 So. 3d 761 (Fla. App. 2 Dist. 2010), opinion filed February 10, 2010. Counsel James Marion Moorman, P.A. and Bruce P. Taylor, APA, addressing the state strike against jury 9, as not a valid gender-natural strike of the last male from the jury panel. If you review Truesdale Trial Transcription Juror Questionnaire Juror No. 8 Ms Jamal was the last jurors left on the panel of 8 Jurors, 7 White Females and 1 Ethnic Minority, if you continued to review Truesdale Records, you will see Mr. Moorman is the assistance to Ms. Hoskins (Appeal No. 2D07-4403). The (2)two attorneys whom review my trial transcription first, not arguing my Batson Objection or Neil Objection, the relevant evidence of (Racial Bias Discrimination) preserved at trial for my appeal.

It's time for 12 Jurors in Floridia, to desired over all felony trials just like everywhere else in American. It is statistically impossible to seat racially drivers juries when there are only 6 seats in the jury box, a dangerously unjust game of musical chairs. It is not soft on crime to require Florida, 12 juries like the other states and Federal courts do every day. The "presumption of innocence," that long golden thread stitching together centuries of English and American jurisprudence, is dangerously frayed in Florida where the State only has to overcome the presumption of innocence before 6 jurors.

(IMPORTANT UPDATE: Time for 12 Jurors in Florida is suddenly a logical extension of the U.S. Supreme Court's decision in Ramos v. Louisiana, 18-5924 (April 20, 2020) which held that it was unconstitutional to have non-unanimous juries in felony trials. It was some 50 years ago the USSC held that neither the Federal requirement of 12 jurors nor unanimous juries in felony trials applied to the States. But with Ramos now requiring unanimous jurors at all State level felony trials, the same reasoning in Ramos should apply in Truesdale's Florida jury trial case. As Justice Alito said in Ramos in dissent, "Repudiating the reasoning of Apodaca will also certainly prompt calls to overrule Williams." (Williams v. Florida) was the case that decided that the US Constitution did not require 12 jurors in State felony trials)

2. Amended to COCKLE LEGAL BRIEF and Re : Affidavit -- filed by R. Michael Hursey, P.A. (Law Firm) :

I also explained how Trial Judge Day, daughter haded a new born baby girl, August 27, 2007 day before Truesdale Trial August 28, 2007. How Judge Day was showing (" Pictures ") of his new granddaughter on his Court Computer System. How he also during Juror Questionnaire Voir Dire, when I, objected to Ms. Olney " racial profile strike against Ms. Jamal Juror No. 8, Judge Day stated : (" We got to remove, people like you, from society, so my new born granddaughter , will be safe "). How the State Attorney's Mr. Aaron Slavin, Ms. Janet Hunter-Olney, Defense Attorney Mr. Gary L. Potts , and the Courtroom, all started ("Laughing ") , except the ("Black") Sheriff Officer sitting next to me. How the Court Reporters ("Alter or Docket") the Trial Transcript Proceedings Transcribed to cover-up their set-up at trial.

This is why I'm being " Denied" the Trial Court (" In Person, In Court , Court Reporters Tapes") because all this is on those original trial proceedings I'm being denied to (Re-Transcrible) my entirely trial .

C. Other Issues in Briefs

Truesdale has two other issues analyzed by other cases decided by this Court, in which there is a split among the circuits. First, a Florida Department of Law Enforcement ("FDLE") agent testified at trial about a comparison of the pellets fired by the shotgun, and a shotgun shell found in the sleeper compartment of a certain truck (T:534 et seq.). But this goes agaiy this Court's ruling regarding current scientific findings refuting prior FBI "theories that a bullet used in a crime, could be analyzed and chemically matched with a specific box of bullets. Maryland v. Kulbicki, 136 S.Ct. 2 (2015) (finding comparative bullet lead analysis evidence is not accepted by the scientific community and was therefore not probative). See also Paul G. Giannelli, Comparative Bullet Lead Analysis : A Retrospective, Faculty Publications, Paper 97, Case Western Reserve School of Law (2010), http://scholarlycommons.law.case.edu/faculty_publications/97.

Second, the State provided materials per Brady v. Maryland, 373 U.S.83 (1963) and Giglio v. United States, 405 U.S. 150 (1972) on the first day of trial. A shotgun shell with a fingerprint on it (possibly showing Truesdale's nephew was the shooter) , should have been provided by FDLE sooner during discovery (T:534 et seq.). Also, FDLE provided a toxicology report showing the victim (and her friend present at the shooting) had recently smoked marijuana before the shooting incident. This was important because it could have been used to attack the credibility of statements allegedly made by both (plus certain trial testimony) concluding that Truesdale was the shooter.

First, the shotgun shell, was in the semi -cab sleeper with the (" fingerprint on the brass portion of the shell casing ") of Verlet Smith, whom was the original owner of the semi- cab, before I got it ,was working on it, I never clean nothing out the sleeper part of the semi-cab truck, because I was still working on it, to put it back long distance over the road. I was going back and fore to numerous of "Doctors" for the "open in my right leg".

Second, the shotgun, was given to the Police by Leroy Johnson, it came from his resident and belong to him, or Verlet Smith, they used to set-me-up, after Leroy Johnson clean all his, or Verlet Smith fingerprints off the shotgun for the (Deals) on Jermaine Smith cases.

ISSUE II

A. Rule 3.800(a) provides :

A court may at any time correct an illegal sentence imposed by it, or correct an calculated made by it in sentencing scoresheet, or a sentence that does not proper credit for time served when it is affirmative alleged that the record demonstrate on face of entitlement to that relief, provided that a party may may not file a motion to correct an illegal sentence during the pendence of a direct appeal. Fla. R. Cir. P. Rule 3.800(a).

Here, Truesdale argue pursuant to his Fla R. Cir. P. Rule 3.998(a) Criminal Punishment Code Scoresheet, sentence computation the maximum sentence provided in s. 775.082 F.S. is less than 363 points, a life sentence with 25 years mandatory minimum provisions could not been imposed, without illegally amending the Felony Information at trial.

B. Felony Information

1. State (Exhibit C: Felony Information) charge Truesdale with (2) Florida Statute 782.04(2)/775.087

§ 782.04 Murder

(2) The unlawful killing of a human being, when perpetrated by any act imminently dangerous to another and evincing a depraved mind regardless of human life, although without any premeditated design to effect the death of any particular individual, is murder in the second degree and constitutes a felony of the first degree, punishable by imprisonment for a term not exceeding life or as provided in s. 775.082, s. 775.083. or s. 775.084.

§ 775.087 Possession or use of weapon aggravated battery felony reclassification minimum sentence.

C. Amendment of Indictment

The alternation of the charging terms of a indictment, either literally or in effect, after the grand jury has made a decision on it. The indictment usu.can- not be amended at trial in a way that would prejudice the defendant having a trial on matters that were not contained in the indictment. To so would violate the defendant Fifth Amendment right to indictment by grand jury.

It is widely accepted that sentences for certain crimes have gotten too long and too expensive over the last forty years, increasing sentences far above what the sentencing method of the current Criminal Punishment Code (CPC) code score called for. This is primarily due to the mandatory minimum sentence statutes (such as the 10-20-Life and the Prisoner Releasee Reoffender (PRR) laws) and the so-called enhancement statutes which reclassify and increase the degree punishment of a crime (such as a deadly weapon during a crime and the Habitual Felony Offender law) that enacted over time. By now repealing those statutes and applying them retroactively to prisoners previously sentenced, sentences could be reduced to what the proper sentence would have been at the time of sentencing (without mandatory minimums or enhancements).

Here, the State responded: ORDER DENYING DEFENDANT'S "MOTION TO VACATE, SET ASIDE, OR CORRECT AN ILLEGAL SENTENCE" July 02, 2018 is in conflict with their case's cited, and Truesdale case's cited, with bring a ("Question of Great Public Importance") to the State of Florida, highest court, the Supreme Court of Florida, (citing Bienaime v. State, 213 So. 3d 927 (Fla. "4th DCA 2017), Denegal v. State, 263 So. 3d 842 (Fla. 5th DCA 2019), and Espinoza v. State, _____ So. 3d _____ (Fla. 5th DCA 2019).

To pursue an enhanced mandatory sentence as the 10-20-Life statute [prescribed] the state must alleged the grounds for enhancement in the charging document. Bienaime , (citing Lane v. State , So. 2d 226 (Fla 4th DCA 2008)). The statutory elements for such enhancement must be "precisely charge" in the information. Lewis v. State , 177 So. 3d 64, 65 (Fla. 2d DCA 2015) (quoting Davis v. State , 884 So. 2d 1058, 1060 (Fla. 2d DCA 2004)). "[I]f the state wishes to give notice of an enhancement by reference a statute in the charging document, the state must refer to the specific subsection which subjects the defendants to the enhanced sentence." Bienaime , 213 So. 3d at 939-30 (citing Inman v. State ,932 So. 2d 518 (Fla. 4th DCA 2006)). An information's failing to cite the specific statutory subsection, while simultaneously failing to precisely charge the elements, "cannot be cured by a jury's factual finding" Id. at 929 (citing Altieri v. State , 835 So. 2d 1183 (Fla. 4th DCA 2002)).

Hear , the information charge Truesdale in violation of Florida Statutes 782.04(2)/775.087 as written in (ISSUE II) State (Exhibit C: Felony Information). The statutory elements for enhancement must be "precisely charge" in the information since the information "did not precisely charge , nor cite the specific subsection for enhancement," Truesdale must be sentence pursuant to his Florida guidelines case, scored (of 246.15 months) after you removed the illegal enhancement score from the State of New Jersey, (city Mitchell v. State , 880 So. 2d 666 (Fla. App. 2 Dist. 2004).

Article I, Section 16, of the Florida Constitution, provides: In all criminal prosecution the accused shall, upon demand, be informed of the nature and cause of the accusation, and shall be furnished a copy of all charge... "This Court, citing centuries-old United States Supreme Court precedent, :

has stated that "to apprise the accused of the specific charge against him, an information or indictment must contain all facts essential to the 'offence intended to be punished." Insko v. State , 969 So. 2d 992, 995 (Fla. 2007) (quoting United States v. Carll , 105 U.S. 611, 612 (1881)). "Historically, the 'elements of a crime' are the facts 'legally essential to the punishment to be inflicted.' " Id. (quoting Harris v. United States , 536 U.S. 545, 561 , 122 S. Ct. 2406 (2002)).

In addition to the violation of a defendant right to be fully informed of the charges against him under Article I, Section 16, of the Florida Constitution, a defendant right to due process under Article I, Section 9, is denied when there is a conviction on a charge not in the information or indictment'. Due process of law requires the state to allege every essential element when charging a violation of law to provide the accused with sufficient notice of the allegations against him. Art. I, 9, Fla. Const. M.F. v. State , 583 So. 2d 1383, 1386-87 (Fla. 1991). There is a denied of due process when there is a conviction on a charge not made in the information or indictment. See State v. Gray , 435 So. 2d 816, 818 (Fla. 1983). See also Thornhill v. Alabama , 310 U.S. 88, 60 S. Ct. 736 (1940) De Jonge v. Oregon , 299 U.S. 353, 57 S. Ct. 255 (1937). For an information to sufficiently advice the accused of the specific crime with which he is charged . See Rosin v. Anderson , 155 Fla. 673, 21 So. 2d 143, 144 (Fla. 1945). Generally the test for granding relief based on a defect in the information is actual prejudice to the fairness of the trial. See Gary v. State 435 So. 2d at 818 (citing Lackos v. State , 339 So. 2d 217 (Fla. 1976). Price v. State , 995 So. 2d 401, 404 (Fla. 2008) (some parallel citations omitted). "[A]n information is fundamentally detective where it fails to cite a specific section and totally omits an essential element of the crime ." Figueroa v. State , 84 So. 3d 1158 ,1161 (Fla. 2d DCA 2012).

"[A]n information is fundamentally defective where it fails to cite a specific section and totally omits an essential element of the crime.Figueroa v. State , 84 So. 3d 1158, 1161 (Fla. 2d DCA 2012)."

In addition to the constitutional bases of both , Article I, Section 16, of the Florida Constitution pertaining specifically to the charging documents , and the general protection of due process of law under Article I, Section 9, of the Florida Constitution, the Florida Rules of Criminal Procedure address the issue specifically Florida Rule of Criminal Procedure 3.140(d)(1) requires that an information allege all "essential facts" of each crime charged as well as the statutory citation for each crime.

Petitioner Truesdale seek relief from custody of conviction /or indictment because the State (Exhibit C: Felony Information) as charged "did not charge" Truesdale with the " specific subsection " of the 10-20-Life statutes, in the information charged; or 775.07 non-existstatute, with subject Truesdale's to an enhanced sentence.

The State of Florida, also : charges , trial and indicted, WILLIAM JAMEL TRUESDALE (" Not") WILLIAM JAMES TRUESDALE .

APPENDIX G:

Appellant Exhibit A : TRIAL TRANSCRIPT PROCEEDINGS : (T:1) Jury Trial Volume I, Case NO.CRC05-2500CFANO August 28, 2007
STATE OF FLORIDA
v.
WILLIAM JAMEL TRUESDALE
Defendant

APPENDIX H :

Appellant Exhibit B : STATE OF FLORIDA
UNIFORM COMMITMENT TO CUSTODY
OF DEPARTMENT OF CORRECTIONS

The Circuit of Pinellas in the Spring Term , 2007 in the case of

UCN	Ref No.(s)
522005CO25009XXXXNO.	CRO05-25009CFANO

State of Florida
vs
WILLIAM JAMEL TRUESDALE SPN : 01946022
Defendant

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA, TO THE SHERIFF OF SAID COUNTY AND THE DEPARTMENT OF CORRECTIONS OF SAID STATE, GREETING :

THE above named defendant having been duly charged with a offense specific herein in the above styled Court, and he having been duly convicted and adjudged guilty of and sentenced for said offense by said Court, as appears from the attached certified copies of Indictment/Information, Judgement and Sentence, and Felony Disposition and Sentence Data from which are hereby made part hereof:

The above (a/k/a) of WILLIAM JAMEL TRUESDALE , means the State of Florida haded ("No Subject Matter Jurisdiction / To - Wit") making the duly convicted and adjudged guilty of and sentenced , ("void/or null") and WILLIAM JAMES TRUESDALE, is being illegally detained in custody by the State of Florida and Florida Department of Corrections .

ISSUE III

A. 42 USCS § 1983 Civil action for deprivation of right

§ 1983. providing a federal cause of action for the deprivation of federal rights under color of state law, add the jurisdiction of the Federal Court, rather than subtracting from that of the State Courts.

1. Truesdale's "Notice of Intent to Sue/Waiver of Sovereign Immunity " filed August 28, 2009 Appellant (Exhibit C: Register of Actions Case No. 0525009 CFANO) State of Florida vs. TRUESDALE, WILLIAM JAMEL Case Type: Felony, Date filed: 12/19/2005 Location: Division B Judicial Officer: Andrews, Michael F Case Number History CRC05 - 25009 CFANO Uniform Case Number: 522005CF025009XXXNO Page 1 of 15 - Pages 15 of 15 Date 08/31/2009 Defendant's :

NOTICE /INTENT TO SUE /WAIVER OF SOVEREIGN IMMUNITY/
NOTICE OF INTENT TO PURSUE CRIMINAL CHARGES and CRIMINAL
INDICTMENT / NOTICE OF INTENT TO PURSUE CIVIL ACTION
WAIVER / NOTICE OF INTENT TO PURSUE and CHARGES and OF
EVIDENCE OF FALSE TESTIMONY BY STATE WITNESSES /
NOTICE OF INTENT TO PURSUE CHARGE and INDICTMENT
AGAINST STATE WITNESSES OF FALSE STATEMENTS and PERJURY
BY CONTRADICTORY STATEMENTS / NOTICE OF INTENT TO PURSUE
CRIMINAL CHARGE and INDICTMENT OF SUBORNATION OF PERJURY and
DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.-

§ 768.28 Waiver of sovereign immunity in tort actions recovery limits limitation on attorney fees statute of limitations exclusions indemnification risk management programs.-

In Allen v. McCurry, 499 U.S. 90, 95-96, 101 S.Ct. 411 (1980). The Court of Appeals for the Eight Circuit, 606 F.2d 795, reversed and remanded. Certiorari was granted. The Supreme Court, Justice Stewart, held that: (1) rules of collateral estoppel applied to actions brought under Civil Right Act of 1871 and encompass state-court judgments or decisions, be they civil or criminal, and (2) fact that under Stone v.Powell, 428 U.S. 465 (1976), plaintiff was unable to obtain federal habeas corpus relief on Fourth Amendment claim did nor render doctrine of collateral estoppel inapplicable.

Under "res judicata" a final judgment on the merits of an action precludes the parties or their privies from relitigating issues that were or could have been raised in the action.

Under "collateral estoppel" once a court has decide an issue of fact or law necessary to its judgment, that decision may preclude relitigation on the issue in a suit on a different cause of action involving a party to the first case.

B. Civil Rights

Main goal of Civil Rights Act of 1871 was to override the corrupting influence of the Ku Klux Klan and its sympathizers on the government and law enforcement agencies of the Southern State and one strong motive behind its enactment was great Congressional concern that the State Court had been deficient in protecting federal rights. 42 U.S.C.A. § 1983.

Because there is no federal statute of limitations for § 1983 claims, the district court looks for comparison to the forum states statute of limitations for personal injury claims. In Florida, personal injury claims are governed by Florida Statutes 768, which provides for a prescriptive period of four (4) years from the date of injury or damage, control by Truesdale August 28, 2009 Sue/Waived "not detain" or "still pending" in the trial court, citing Wallace v. Kato, 549 U.S. 384 Wilson v. Garcia, 471 U.S. 261, 275, 105 S. Ct. 1938 (1985) Jacobsen v Osborne, 133 F. 3d 315, 319 (5th Cir. 1998) Moore v. McDonald , 30 F. 3d 616, 620 (5th Cir. 1994) Elzy v. Roberson, 868 F. 2d 794 (5th Cir. 1989).

On the other hand, federal law determines when a § 1983 occrues. Moore 30 F. 3d at 620. In the context of such a claim for wrongful arrest and confinement, it is this petitioner knowledge of those two events that trigger the limitation period.

The date when the Clerk of Court receives the complaint, rather than the formal filing date, usually establishes the time of filing in forma pauperis complaints. Martin v. Demma, 831 F. 2d 69, 71 (5th Cir. 1987). However, in the pro se prisoner context, a "mailbox rule " applies, so that the date when prison officials received the complaint from the prisoner for delivery to the Court is considered the time of receive, is considered the time of filing for limitations purposes, citing United States v Petty, 530 U.S. 361, 363, 2n.1 (5th Cir. 2008) Cooper v. Brookshire, 20 F. 3d 377, 375 (5th Cir. 1995).

In addition to applying the form state's statute of limitations federal court should give effect to any applicable tolling provisions provided by state law, Lopez–Vences , 74 F. App'x at 398 Clifford v. Gibbs, 298 F. 3d 328, 333 (5th Cir. 2002) Gertrell , 981 F. 2d at 257. The running of prescription under Florida law may be suspended or tolled for equitable reasons, which have been expressed in the civilian legal principle of contra non valentem. Under the theory, there are four situations in which the four-years prescriptive period for delictual actions will not run: 1) if there was some legal cause which prevented the court or their officers from taking cognizance of or acting on the plaintiff's action 2) if their was some condition coupled with the contract or connected proceeding which prevented the creditor from suing or acting 3) if he debtor himself has done some act effectually to prevent the creditor from availing himself of his course (2011 U.S. Dist. LEXIS 15) of action, and 4) if the cause of action is not known or reasonably knowable by the plaintiff, even though his ignorance is not induced by the defendant(s).

C. TOLLED -- Case

1. Here, again, Petitioner Truesdale criminal conviction Case No. 0525009 CFANO was (TOLLED) August 28, 2009 the day and date I filed my "Notice of Intent to Sue/Waiver of Sovereign Immunity" " ... Never Detain , or Responded Too, by the Trial Court .... " Truesdale's (" PETITION FOR A EXTRAORDINARY WRIT OR WRIT OF CERTIORARI OR HABEAS CORPUS" OR MANDAMUS OR WRIT OF PROHIBITION "). The Supreme Court of Florida Case No. SC20 -- 556 should have been "detain it on it's legal merits" by Supreme Court of Florida and the Supreme Court of Florida should have drop Truesdale (" Sued/Waiver ") still ("PENDING") back down to the Sixth Judicial Circuit Court Pinellas County, Florida (trial court) with instruction for that Court to " Detain " my (" Sue/Waiver ") still ("PENDING").

(AMENDED)

QUESTION OF GREAT PUBLIC IMPORTANCE

Petitioner Truesdale states Supreme Court of Florida haded (" Subject Matter Jurisdiction ") to have response's to his original petition(s) : 1) Petition for Writ of Certiorari No. SC09 - 803 Date 4/24/09 2) Petition for Writ of Certiorari / Petition for Writ of Error Coram / Petition for Writ of Error Coram Nobis No. SC10 - 763 Date 4/12/10 3) Petition for Writ of Certiorari No. SC12 - 2683 Date _____ 4) Petition for A Extraordinary Writ or Writ of Certiorari or Habeas Corpus or Mandamus or A Writ of Prohibition No. SC20 - 556 Date 4/13/20 etc.

Inadequacy of original filed Brief :

As previously set forth, the appeal herein was perfected by assigned appellate counselor's. During the period between the date counselors was assigned and the date upon which the original appeal was perfected, my assigned appellate counselor's did not discuss the specific issues which would be included and not included in the original brief , and I was not notify, or did not have the opportunity to review the original brief prior to its submission to the Court. The brief, as submitted, did not present well - reasoned preserved arguments to the appellate court (variable : demonstrate arguments preserved were not included in the original brief).

Truesdale's original appeal , counselors did not raise well - reasoned preserved argument on (racial animosity or racial bias in the jury selection). That should been raise by the two assigned appellate counselor's that Truesdale even filed a (Notice of Appeal) trying to raise the issues after he received a copy or the " original brief of appellant appeal " on his Batson Objection or Neil Objection preserved at trial, it was stricken by the District Court of Appeal Case No. 2D07 - 4430 and the assigned appellate counselor's did not even try to (Amended) their original brief of appellant appeal, to amended Truesdale Batson Challenge or Neil Inquiry preserved at trial.

See Lanfranco v. Murray, 313 F.3d 112, 118 (2nd Cir. 2002), which notes: "The Sixth Amendment right to effective assistance of counsel can be violated if counsel failed to raise a significant and obvious state law claim. Also Mayo v. Henderson, 13 F.3d 528, 533 (2nd Cir. 1994) : cf. Sellan, 261 F.3d at 310 where the court reviewed a habeas claim that appellate counselor failed to raise a state law challenge to the trial court's jury charges.

It is well established that every criminal defendant has a due process right to effective assistance of counsel on his or her direct appeal from conviction. Evitts v. Lucey, 469 U.S. 387 (1985). This requires appellate counsel to act as an advocate, not merely appellant brief , but to marshal legal arguments on the appallant's behalf in order that he might have a full and fair resolution and consideration of his appeal. Anders v. California, 386 U.S. 738 (1967) Douglas v. California, 372 U.S. 353 (1963) Ellis v. United States, 356 U.S. 674 (1958). This also "requires that he support his client's appeal to the best of his ability". Anders v. California, supra, at 744, and the brief he and she , submits must reflect more than " a detached evaluation of the appellant's claim" Evitts v. Lucey, supra, at 394. Appellate counselor's failure to present the omission of a meritorious claim, particular claim's in question "undermine confidence in the outcome" of the original direct appeal. Mayo v. Henderson, supra, at 534.Even though, based apon the law in existense at the time, they could have done so. As a result, Truesdale assigned appellate counselor's did not afford him the quality or representation which he was constitutionally entitled by ignoring meritorious issues.

CONCLUSION I

See (T: 609-613) trial court, state attorneys, and defense attorney, will " proffer Margaret Smith" as a Expert Witness in violation of Fed. R. Evid. 702. My sister notice it was two different tapes spliced. The tapes in it entirety are 40 some minutes, (Alter or Docket to 5 1/2 minutes). While she is watching the tape in court, the jurors not present, so I can place objecting on the "records in present of the juries " State Ms. Olney, left from behind the state desk, walk over to the defense desk, stand in front of me, to block my view from seeing the "tapes". I told Mr. Potts, " if he haded let me known they was going to play this alter or docket tape," I would had subpoena Corporal Ms. Thomas, as my witness. Because they haded somebody standing their, with (Paper and Pencil or Pen Written Notes), Ms. Smith, is not a Lawyer, I was in an "Protected Custody Cell" in Pinellas County Jail, under "Video Cameras", that will show I never left my (cell, with no paper, or pencil, or pen), to go visited my sister, she is not a lawyer. I've known right then they was setting me-up, because they haded (No Physical Evidence) tieding Truesdale to no crime.They trying to say, the part, I'm talking about, was Leroy Johnson, or Verlet Smith, (Shotgun). If they haded played the "tapes in it entirety," the jurors would have seen I was talking about (2) two parts as follows: 1) a brake light switch, for Sharon Marcus car, I got from the dealer, they gave me a bad switch so I took it back for them to order another one, and 2) I put a new starter own the semi-cab truck, I drop it putting it own, and (break the cycle switch, on top of the starter). I was telling my sister to tell my nephew get another "starter cycle - switch to put on the semi-truck. See (T: 662,663) trial judge don't want the jurors to no, my sister said the "tapes are splice up and put together and they are making something out of nothing. (T: 612,613). The trial court judge, don't want the jurors to no, what Ms. Smith said about the tapes are splice up, and they are making something out of nothing (T: 934-940) the jurors requested to review the ("tapes"), I'm not present in court to make " objection on the recorded nor did they proffer my sister in open court in the present of the jurors. See White v. State, 31 So.3d 816 (Fla. App. 2 Dist 2010),(quoting Meek v. State, 487 So. 2d 1058, 1059 (Fla. 1986), Bradley v. State, 513 So. 2d 112, 114 (Fla. 1987),(citing Ivory v. State, 351 So. 2d 26, 28 (Fla. 1977), United States v. Fontonez, F. 2d 33 (2nd Cir. 1989) the defendant rights to be present when jurors request to review evidence, should be done in open court and the defendant has a right to be present and put objection on records, these constitutional rights Truesdale was denied, State and Federal Laws.

CONCLUSION II

The fingerprint on the ("shotgun shell brass portion of the casing") I'm still being denied, that belong to my nephew Verlet Smith. Where his sister state witness Sharon Marcus and his brother-in-law state witness Leroy Johnson, made ("DEALS") on his son "cases" Jermiane Smith, whom was in Pinellas County Jail Juvenile Division, all kinds of charges, that got drop, a few weeks before Truesdale Trial August 28,29,30,31, 2007. Brent Goodman Forensic Anthropology from Pinallas County "Deposition" shows he recover a fingerprint on the brass portion of the shell casing, that fingerprint I'm being denied ("Exculpatory Evidence") of Verlet Smith fingerprint off, the shotgun shell casing from the semi-cab truck, used at trial to tied me, to Leroy Johnson or Smith, shotgun used at trial, that Johnson clean all their ("fingerprints off") before he gave it to the Pinallas Country Sheriff's.

CONCLUSION III

Newport Cigarette Defendant Exhibit No. 2 In Evidence Copy - Photo of Business Card and Cigarette on Ground. See Defendant Exhibit 5 Copy - Photo Car Seat W/Items: Metal Tool, Lottery Tickets, Lighter and 305 Cigarette Pack. At Trial State Ms. Olney introduce into evidence the Newport Cigarette , drop at the crime scene by the "Perpetrator " I ask to see all 180 Photographs, and introduce No. 5 in evidence the 305 Cigarette proven I smoked 305's not Newport's . Ms. Olney, took the Newport Cigarette after I requested DNA Testing , back out the * * * [Aluminum - Foil] * * * in open court, in present of the juror's , (" throw it on the floor, crushing it up, with her foot, looking at me laughing "). While Judge Day , Aaron Slavin State , Janet Hunter-Olney State, Gary L. Potts Defense Atty ,the Court-room Reporters, all Laughing, except the Black Sheriff Officer ,sitting next to me, [DESTROYING EXCULPATORY DNA EVIDENCE OF THE PERPETRATOR] .

Pursuant to prosecution" Destroying Exculpatory DNA Evidence of the Perpetrator in open Court , framing Truesdale for a crime he did not committed Denieding Truesdale's Defendant's Motion for Records and Records from Attorneys chapter 119 Public Record's Act (4)/ 5 U.S.C.A. 552 Freedom of Information Act (FOIA) the Jail Visitation Tapes being denied the Court Reporters (In Person, In Court Tapes) being denied the fingerprint of Verlet Smith recover on the brass portion of the shell casing used at trial to set-me -up, I'm being denied as well as the Batson/ Neil Objection at trial (Black-Male) trial by a jury drawn and impaneal of Seven (White - Females) in violation of the Act of Congress cites in the body of this petition , etc.

Truesdale asserts that the right not to be framed by law enforcement and prosecutions agents was clearly established in contrast, to Haley v. City of Boston , 657 F. 3d 39, 47-49 (1th Cir. 2011), prior to 1972 that the due process clause protects against the deliberate suppression of evidence.

In Truesdale's case (quoting Limone v. Condon , 372 F. 3d 39 (1th Cir. 2004), the first circuit explained that "if any concept is fundamental to our American system of Justice, it is that those charged with upholding the law are prohibited from deliberately fabricating evidence and framing individuals for crimes they did not commit.

More than 51years ago in (1967) the United States Supreme Court held, that the Fourteenth Amendment cannot tolerate a state criminal conviction obtained by the knowing use of false evidence. Mooney v. Holohan , 294 U.S. 103, 55 S. Ct. 340. There has been on deviation from that established principle. Napue v. People of State of Illinois , 360 U.S. 264, 79 S. Ct. 1173 Pyle v. State of Kansas , 317 U.S. 213 , 63 S. Ct. 177 cf. Alcorta v. State of Texas , 355 U.S. 28 , 78 S. Ct. 103. Their can be no retreat hear, from these principle in Truesdale's conviction obtain through false evidence .

And Defense Attorney Mr. Gary Lee Potts, P.A. setting me-up at trial as the (Third Prosecutor for the Victim) specialy with state witness Sharon Marcus saying : (" Let me, see him, get out of this , turning to Judge Day Laughing , Repeating Himself, Let me, see Him, get out this one ") while the Assistant State Attorneys and Courtroom all (Laughing) except the Black Courtroom Sheriff , saying to me, boy that Lawyer is setting you up !!!

CONCLUSION IV

Petitioner Truesdale Index Pages iv and v to this (Petition Appendies) being filed to this Honorable Court, was send to the State of New Jersey to my (70) Seventy years old sister, in order to make copies of my (Appendixs) to filed with this (PETITION) . Because we are being denied (Access to Legal Boxes, Library, Copying Services, and Courts).This petition is prepared from the Legal Documents, I have in my (Foot Locker) .

It's copy from Petition Truesdale's (JPay Tablet System) so I can download copies from the (Kiosk) at $0.25 Cent Per Copy. The Court will see a long box at top of each page that states: [You have received a JPay letter, the fastest way to get mail]. I have white-out the information at top of each copies, (my name, DC #, dorm location, page ID #, and number of pages). I have also white-out the information under the long box at top of each pages, that stated: (From:, ID: # To: my sister name , Customer : ID #, Date:, Letter ID:#, Location:, and Housing:) from the each Court copies, and erased or scratch out this information from all other copies, you will see this information on Appendixs: M, N, and O, enclosed not erased or scratch out.

The " PETITION FOR A EXTRAORDINARY WRIT, OR WRIT OF CERTIORARI, OR HABEAS CORPUS, OR MANDAMUS, OR A WRIT OF PROHIBITION " filed April 13, 2020 In The Supreme Court of Florida and Appendixs filed as Follows, Issue I: A), B), C), D), E), F) , Issue II: A), B), C), D), E), F), G), H), I), and Issue III: A) B). I don't have access to my legal boxes storage in DeSoto C.I. Annex Confinement Dormitory on July 03, 2020. I was transferred by Van, to DeSoto Annex, Court, has jurisdiction to issue an order to the State Court, to transcribed the records.

RESPONSES BY FDOC

See Appendix K: Informal Grievance Log No. 564-2009-0129 , I received Appendix C: back , Date filed 8/21/20 , I can not read the Official (Print Name): or Official (Signature) chicken scratch written at bottom, but I ask a officer who name and signature it was, and was told ("Kiekenapp") Warden Secretary. This is how FDOC Prison Official cover up their corruption . Because they send me three (3) copies of the (Title Page) I enclosed to them, insteaded, or reading my Inmate Request, and responding to me, letting me no, when I finish typing my (PETITION) on the JPay Tablet download a copy, send to them to make my copies !!!

See also Appendix L: Informal Grievance Log No. NOT LOG OR RETURN , Date filed 9/11/20 with (Attached) Appendix D: Inmate Request, to DeSoto C.I. Annex Coren M. Russ Classification Date 09/02/20 (STAMP) Date Received SEP 08 2020 "No Official (Print Name) or Official (Signature) or (Date) at bottom of the "original form" I received it 09/10/20 . I'm keeping the "original for my record" They (Attached) another copy of Appendix B: FDOC letter-head (Pre-Date July 6, 2020). Instead, of copying (6) Six Months of Truesdale FDOC Inmate Trust Fund Account Statements for the Court, etc., using the ("QUARANTINE") to mess up all our cases !!!

RELIEF SOUGHT

Pursuant to the ("Miscarriage of Justice") before Trial / during Trial / and after Trial, that this "PETITION FOR A WRIT OF CERTIORARI" should be granted, and this Court, should order the State Court, to ("Detained my Pending Sued/Waiver and give me a Civil Case Number') that ("TOLLED") my entirety criminal conviction Case No.: CRCO5-25009CFANO.

NO. _____

IN THE

SUPREME COURT OF THE UNITED STATES

WILLIAM JAMES TRUESDALE,
PETITIONER,

VS.

STATE OF FLORIDA, MARK S. INCH-SECRETARY,
FLORIDA DEPARTMENT OF CORRECTIONS, et al.,
RESPONDENTS.

CERTIFICATE OF COMPLIANCE

As required by Supreme Court Rules 29,33, and 34, this CERTIFICATE OF COMPLIANCE and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeeding , and on every other person required to be served is prepared using 40 Pages Rule, 8 1/2- by 11- Inch Paper Format: from Truesdale (JPay Tablet System and Margin Typeface) including the appendixs thereto, except petitioner hand written appendixs and the courts appendixs. I have "no-way of knowing" if this "PETITION" is typeface in according to (e. g., Century Expanded, New Century Schoolbook or Century Schoolbook) 12-point or more leading between lines, the typeface and footnotes, is type the same. The Appendixs to this Petition was mailed to my (70) Seventy years old sister in the State of New Jersey, to makes (3) Three Copies and mailed back to me, as this institution is on * * * [QUARANTINE] * * * and we are being denied our constitutional rights to (" Access to Law Library, Legal Documents, and Courts "), so this petition is being prepared from Petitioner Truesdale ("Foot locker and JPay Tablet System"). See Appendixs Index Pages v, vi, & vii ("Inmate Requests and Informal Grievance Procedures").

The names and addresses of those served are as follows:

1) Supreme Court of the United States, Office of the Clerk, One First Street N.E. Washington, DC 20543 - 0001
2) Solicitor General of the United States, Room 5616, Department of Justice 950 Pennsylvania Avenue, N.W. Washington, DC 20530 - 0001
3) Ashley Moody - Attorney General, Office of the Attorney General,
The Capital PL - 01 Tallahassee, Florida 32399 - 2500

PRO SE

Served on 27th Day of September, 2020

PROCEED IN FORMA PAUPERIS

PETITIONER

WILLIAM JAMES TRUESDALE
Prisoner ID #: 0 - 129643
DeSoto Corrections institution Annex
13617 S.E. Hwy 70
Arcadia, Florida 34266 - 7800