

Case No. 20-6207

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**In the Supreme Court of the United States**

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STEVEN COOPER

Petitioner,

v.

BAY COUNTY FLORIDA

BAY COUNTY SHERIFF'S OFFICE

DEPUTY NICHOLAS MACIAS

CODE ENFORCEMENT OFFICER KATHI ASHMAN

SHARON M. WOOSLEY

Respondents,

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**PETITION FOR REHEARING**

ON WRIT OF CERTIORARI TO THE FLORIDA

FIRST DISTRICT COURT OF APPEALS, 1DCA NO.- 1D19-165

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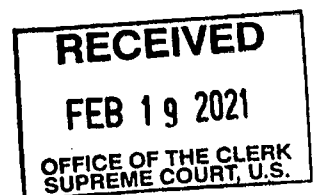
/s/Steven Cooper, Pro Se

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Pursuant to Rule 44 of this Court, petitioner hereby respectfully petitions for rehearing of this case on substantial grounds not previously presented and limited to the notification of related cases just filed with this Court arising from the same First District Court of Appeals of Florida, regarding the same originating underlying circumstances yet presenting separate and additional related subject matter issues of which are compounded when considered with the issues presented in this case. Petitioner respectfully requests this Court considered them all together when making its final decision as to the merits of this case and those related cases.

The related cases have yet to be numbered and petitioner will file a notice of related cases upon processing, filing and numbering by the Clerk of this Court.

### **STATEMENT OF CASE**

An adverse possessor, after lawfully establishing adverse possession, was trespassed then later arrested by the Bay County Sheriff's Office. Mandamus was sought to compel the Sheriff's Office to perform its duty to enforce and comply with the laws of Florida of which provide the statutory right to adversely possess real property, additionally specifying trespass is only applicable when the required notice form is not submitted and theft is only applicable if the property is leased to another, again prior to submitting the required form.

The circuit court denied mandamus claiming a clear legal right to compel law enforcement to enforce the laws of Florida does not exist for a citizen seeking

adherence to a law, despite the existence of FS 95.18 which affords the right, “because he has not adversely possessed the subject property for the seven-year period”. Thus, the trial court opined that an adverse possessor does not have the right through mandamus to compel law enforcement to perform its duty as prescribed by State Law until ownership is obtained at the end of the statute of limitations holding period.

Emboldened by this erroneous ruling, and in retaliation to the petitioners legal action and a written complaint to the agency, the Bay County Sheriff's Office sought, obtained an arrest warrant, and arrested the petitioner for grand theft and criminal mischief simply for exercising his statutory right to adversely possesses real property and exercising his constitutional rights to petition the government for redress of grievances.

The trial court erred in denying Mandamus relief requested stating, “Petitioner fails to make a prima facie case that he has a clear legal right to relief sought” (despite the statutory right as provided by Florida Statute 95.18) because “adverse possession without color of title requires seven years of open, continuous, actual possession”. This statement alone contradicts the Courts decision and reasoning for denying relief requested. Actual possession is a requirement. The right to actual possession is what's at stake here and is the relief requested. The Court sites Candler Holdings Ltd. I v. Watch Omega Holdings which, in fact,

actually originates “As stated in Meyer v. Law, 287 So.2d 37, 40-41 (Fla.1973):” and the Court fails to include the most important words in this case law which is “there are only two ways to ACQUIRE LAND by adverse possession” followed by the exact reason mandamus was requested as “the claimant must show seven years of open, continuous actual possession”. Mandamus was requested to direct the respondents to “enforce a clear legal right to the performance of a clear legal duty” which in this case, was to comply with FS 95.18 and correct its improper doing of criminally trespassing an adverse possessor when the correct action is for the owner of record to seek civil ejection or civil trespass in order to quiet title and remove the cloud of adverse possession.

The trial courts August 13, 2018 Order Denying Mandamus failed to address the relief sought in the original petition as it erred in its understanding and application of the *actual possessory* requirement of FS. 95.18 adverse possession which requires actual possession, for the statute of limitation seven year period, of which serves to expire ones right to commence an action to recover real property. Upon expiration of the seven year holding period, the result is the transfer of title from the owner of record, to the adverse possessor; NOT the establishment of the right to then possess the property. In doing so, the trial court directly prejudiced the petitioners right to possess property under a claim of title exclusive of any other right in accordance with Florida Statutes §95.18- *Adverse Possession without*

*Color of Title* and his ability to satisfy the statute of limitations seven year holding period requirement of hostile, open, continuous, and *actual possession*. An adverse possessor must provide clear and convincing positive proof that the land adversely possessed has been continuous, open, exclusive, and notoriously possessed for an uninterrupted period of 7 years. Such possession may ripen into title by adverse possession. In Florida, it is *lawful to acquire land by adverse possession* without color of title when the occupant or possessor is an actual, continued the occupation of real property under claim of title, exclusive of any other right, even though not founded on a written instrument. Property is deemed possessed when it has been usually cultivated or improved or it has been protected by substantial enclosure. Furthermore, property is deemed possessed when it has been used for the ordinary use of the occupant, construed to mean a use appropriate to the character and location of the property.

The actions of the State of Florida are depriving the petitioner not only of his statutory right to adverse possession, he is being deprived of his constitutional right to life, liberty, or *property* without due process of law, and he is being deprived of his constitutional right to due process according to the rules of the common law and the equal protection of these laws. The simple mandamus petition to affirm an adverse possessor's rights and requirements should not have been treated like a standard, quiet title action. The petitioner was unlawfully criminally trespassed

from the property in his adverse possession and the trial court was asked to, and should have, declared it wrong given the appropriate remedy is an civil action trough judicial procedure in order for all parties claiming an interest to have their day in court to declare and assert their interest for a decision based upon the merits in accordance with state and case law. The decision is not a discretionary one the Sherriff's Office is authorized nor tasked to decide irrationally in the field. The action of criminally trespassing a civil adverse possessor directly infringes upon his constitutional rights to possess property and due process to assert his interests.

Petitioner respectfully preys this Honorable Court grant the petition for rehearing and review this case along with the recently filed related cases to review both the civil and criminal atrocities being committed against him, reverse the Order Denying Mandamus or issue the Writ of Mandamus on its own to instruct the respondent Bay County Sherriff's Office to perform its duty of enforcing the law as mandated, and discharge him from the criminal sham prosecution.

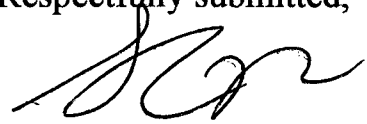
Respectfully submitted,

  
/s/Steven Cooper, Pro Se

**CERTIFICATION OF GOOD FAITH**

Petitioner hereby certifies that this rehearing petition is presented in good faith, not for delay, and on the grounds specified in paragraph 2 of Rule 44.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Cooper', written in a cursive style.

/s/Steven Cooper, Pro Se