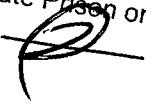


S.C.T. Case No. 20-7307

ORIGINAL

IN the Supreme Court of the United States

IN RE: Wayne M. Beaton,
Petitioner

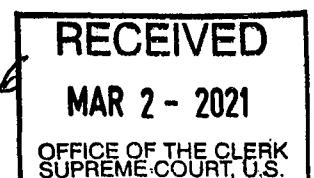
LEGAL MAIL
Provided to Florida State Prison on
2/2/21 for mailing by 

In the Supreme Court of the United States
ON Extraordinary Writ For Habeas corpus
review of A state court's judgement

Petition For Extraordinary Writ
For Habeas Corpus relief

Wayne Beaton,
Petitioner/Prisoner, Pro se

Wayne M. Beaton #469447
Florida State Prison
P.O. Box 800
Raiford, Fl. 32086



Constitutional Question

Has the state appellate court decided an important constitutional-Federal Miranda rights question in a way that conflicts with the relevant decision(s) of this court as determined in Westover v. U.S., decided with Miranda v. Arizona, and/or Mathis v. United States, and/or Brewer v. Williams?

OR

Has the state appellate court decided an important constitutional-Federal Miranda rights question in a way that petitioner being removed both in time and place from his original surrounding and taken into custody by a second agency authority and questioned about a different offense from what he is in custody for "was part of a single continuing session of interrogation and the officer(s) did not have to re-advise petitioner of his Miranda rights" conflicts with the relevant decision(s) of this court as determined in Westover v. U.S., decided with Miranda v. Arizona, Mathis v. U.S., and/or Brewer v. Williams? That held to the effect that if an accuse is presented with a different case, after being taken into custody by a second agency authority, removed both in time and place from his original surrounding, from what he is in custody for, he must be adequately be advise of his Miranda rights before being questioned.

Parties

Ashley Moody, State Attorney General of Florida

Table of contents

	Pg. #
Caption/cover	
Constitutional Question	2
Parties	3
Table of contents	4-6
Table of Authorities	7-8
OFFicial and unOFFicial reports of opinions and order	9
STATEment of the basis For Jurisdiction	10-12+
CONSTITUTIONal Provisions	13
STATEment of the case	14-20
Reasons For Granting EXTRAORDINARY WRIT/Habeas corpus relief	21-31
Relief Sought	32
Proof/Certificate of service	33

APPENDIX WITH EXHIBITS

EXHIBIT #1: state's 4th D.C.A. initial order and order denying
rehearing on petitioner's direct appeal in 1998

APPENDIX WITH EXHIBITS

EXHIBIT # 2:

STATE'S 4TH D.C.A. ORDER HELD IN BEATON V. STATE, 709 So.2d. 172 (Fla. App. 4 Dist. 1998) (REFERENCE TO CASE AT HAND IN FOOTNOTE)

EXHIBIT # 3:

STATE'S 4 D.C.A. ORDER HELD IN BEATON V. STATE, 162 So.3d. 126 (Fla. App. 4 Dist. 2014) (STATING REASON THAT CONFLICTS WITH THIS COURT)

EXHIBIT # 4:

STATE'S 4TH D.C.A. AND FLORIDA SUPREME COURT'S ORDER IN PETITIONER'S CASE ON HABEAS CORPUS PETITIONS AND OTHER PETITIONS

EXHIBIT # 5:

FLORIDA SUPREME COURT'S ORDER DISMISSING EXTRAORDINARY WRIT PETITION ON 8-25-2020

EXHIBIT # 6:

EXCERPT OF TRANSCRIPTS OF LOCAL POLICE OFFICER TESTIMONY DURING HEARING OF MOTION TO SUPPRESS AS TO NOT ADVISING PETITIONER OF MIRANDA RIGHTS

EXHIBIT # 7:

SHERIFF OFFICER'S POLICE REPORT AS TO RELIGIOUS COERCION OF PETITIONER

EXHIBIT # 8:

EXCERPT OF TRANSCRIPTS OF LOCAL POLICE OFFICER TESTIMONY AS TO INCONSISTENT DETAILS OF THE

incriminating statement petitioner made
Exhibit # 9:

Excerpt of trial transcripts of C.S.I.
officer testimony as to no evidence found
connecting petitioner to the crime, F.B.I.
lab report and medical report

Exhibit # 10:

Federal, Southern District Court of Florida and
the United States Court of Appeal for the
Eleventh Circuit Courts' orders denying
Habeas corpus and certificate of appealability

Exhibit # 11:

Transcript excerpts in reference to
petitioner being in the Sheriff's custody
and the Sheriff officer reading him his
Miranda rights at 4:44 A.M. and
questioning petitioner until 6:08 A.M.

Exhibit # 12:

Transcripts excerpts in regards to
the Hearing of the Motion To suppress

Table of Authorities

	Page #
Brewer v. Williams, 430 U.S. 381, 97 S. Ct. 1232, 51 L.Ed.2d. 424 (1977)	2,10,18-20, 27,30,28, 29
Mathis v. U.S., 391 U.S. 1, 88 S. Ct. 1503, 20 L.Ed.2d. 381 (1968)	2,10,11,17-18, 20,24,25,27, 30,28
Miranda v. Arizona, 384 U.S. 436, 86 S. Ct. 1602, 16 L.Ed.2d. 694 (1966)	210,17-18,20, 25-28,30,29
Sanders v. U.S., 373 U.S. 1, 83 S. Ct. 1068 (1963)	12+
Westover v. U.S., 384 U.S. 436, 86 S. Ct. 1602, 16 L.Ed.2d. 694 (1966)	2,10,11,17-18, 20-23,27,30 28

State cases:

Beaton v. State 706 So.2d. 311 (Fla. App. 4 Dist. 1998)	10,16,18
Beaton v. State, 709 So.2d. 172 (Fla App. 4 Dist. 1998)	11,17-18
Beaton v. State, 162 So.3d. 126 (Fla. App 4 Dist. 2014)	11,19,21-23, 27-28
Enrique v. State, 444 So.2d. 345 (Fla. App 3 Dist. 1984)	
Turner v. State, 429 So.2d. 318 (Fla. App. 1 st D.C.A. 198)	18-19

United States Constitution:Page #

Fifth Amendment	12-13, 17, 19, 25, 26, 28, 30
Sixth Amendment	12-13, 26, 28 27-28, 30, 31
Fourteenth Amendment	12-13, 27, 28, 30-31
Article Three (III)	12+

United States Code:

28 U.S.C. § 1651(a)	12+
28 U.S.C. § 2241(a)	12+
28 U.S.C. § 2244	12, 20, 28
28 U.S.C. § 2253	12, 20, 28
28 U.S.C. § 2254	12, 20, 28

United States Supreme Court Rule:

Rule 20.1	12+
---------------------	-----

CITATIONS OF THE OFFICIAL AND UNOFFICIAL REPORTS OF
OPINIONS AND ORDERS*

Beaton v. State 706 So.2d. 311 (Fla. App. 4 Dist. 1998)

Beaton v. State, 709 So.2d. 172 (Fla. App. 4 Dist. 1998)

Beaton v. State, 162 So.2d. 126 (Fla. App. 4 Dist. 2014)

* See Florida 4th DCA, Florida Supreme Court and Florida Federal Southern District Court and the United States Eleventh Circuit Court of Appeals official and/or unofficial reports of opinions and orders rendered in petitioner's case in Appendix with Exhibit #4, 5, and 10 hereto

Statement of the basis for Jurisdiction

In rare cases, where the finality of justice will compel an innocent man to suffer an unconstitutional loss of liberty, this court retains the jurisdictional authority to grant extraordinary writ relief where a fundamental miscarriage of justice will continue in the unlawful incarceration of petitioner for crimes he is innocent of.

Exceptional circumstance warrants the exercise of the court's discretionary power to grant extraordinary writ relief because the state's appellate court has decided an important constitutional-Federal Miranda rights question in a way that conflicts with the relevant decision of this court as established in Westover v. U.S., (decided with Miranda v. Arizona), Mathis v. United States, and/or Brewer v. Williams.

On February 18th, 1998, the state appellate court per curiam affirmed petitioner's appeal to his conviction and sentence in Beaton v. State, 706 So.2d. 311 (Fla. App. 4 Dist. 1998). Petitioner had filed a timely Motion for Rehearing, whereby, establishing therein that the state appellate court judges had overlooked the applicable Miranda rights decision held by this court in Westover v. U.S., decided with Miranda v. Arizona, and/or Mathis v. U.S. The state appellate court denied rehearing on June 10th, 1998. (see court's order in Exhibit # 1)

ON April 1st, 1998, in Beaton v. State, 709 So.2d. 172, at 173 (Fla. App. 4 Dist. 1998), the state appellate court held that or relied on the Miranda rights principle of law that "Miranda does not require that, after effective waiver, each individual questioning the defendant during a single continuing session of interrogation must, prior to asking any question readvise the defendant of his Miranda rights."

The decision in Beaton, *supra*, became applicable and binding to the affirmance of the appeal to the case at hand because the Miranda rights issue was the same and the appellate court judges referred to this case at hand in the Footnote. Whereby establishing its decision relied on. (see court's order in Exhibit # 2)

ON November 29, 2014, the state's appellate court reasserted and reaffirmed its decision relying upon the same basis for denying Habeas Corpus relief. (see court's order in Exhibit # 3) See Beaton v. State, 162 So.3d. 126 (Fla. App. 4 Dist. 2014)

Petitioner has repeatedly petitioned the state's appellate court and the Florida supreme court for Habeas corpus relief. Establishing that the state's appellate court's decision resulted in a manifest injustice because its decision conflicts or is contrary with the relevant constitutional-Federal Miranda rights decision of this court held in Westover v. U.S., and/or Mathis v. U.S. Whereby resulting in a fundamental miscarriage of justice. (see courts' orders in Exhibit # 4)

MOST recently on July 22, 2020, petitioner had petitioned the Florida supreme court for Extraordinary writ relief. The

Florida supreme court dismissed petitioner's writ on August 25, 2020. (see court's order in Exhibit #5)

On October 10, 2001, pursuant to Title 28 U.S.C. § 2254 petitioner sought Habeas Corpus relief in the Federal District Court For the Southern District of Florida. The District Court judge denied relief on May 29, 2002, and denied certificate of appealability on October 4, 2002. (see court's order in Exhibit #10)

Petitioner appealed to the United States Court of Appeal For the Eleventh Circuit For certificate of appealability (C.O.A.). The circuit court judges denied C.O.A. on January 9, 2003, and denied reconsideration on March 3, 2002. (see Exhibit #10)

Petitioner had sought certiorari review to this supreme court of the United States on June 30th, 2003, but such was denied on October 14th, 2003.

On January 6th, 2020, pursuant to Title 28 U.S.C. § 2244(b)(3)(A), petitioner sought leave to file a second or successive writ of Habeas Corpus application in the United States Court of Appeal For the Eleventh Circuit Court. Such was denied on January 30, 2020. (see court's order in Exhibit #10)

Petitioner has exhausted all other remedies in the state and Federal courts. Petitioner cannot apply to the Federal District Court of Florida For Habeas corpus relief because he had already exhausted such avenue and thus adequate relief cannot be obtained in any other form or from any other court. (see Federal court's orders in Exhibit #10)

Exceptional circumstances warrants the court's exercise of its discretionary power to accept jurisdiction for Extraordinary writ-Habeas corpus relief to redress the fundamental miscarriage of justice of the Federal-constitutional 5th, 6th, and 14th Amendment violations that resulted in the wrongful conviction and unlawful custody of petitioner

Pursuant to title 28 U.S.C. section 1651(a) and title 28 U.S.C. section 2241(a), This supreme court of the United States is invested with the authority-jurisdiction to grant Extraordinary writ-Habeas corpus relief.

This court also has the legal authority To accept jurisdiction For Extraordinary writ-Habeas corpus relief pursuant To Rule 20.1, of the supreme court of the United States and original jurisdiction under Article 3 of the constitution of the United States.

Conventional notions of finality of litigation have no place where life or liberty is at stake and infringement of constitutional rights is alleged. see Sander v. United States, 373 U.S. 1, at 8, 83 S. CT. 1068, at 1072 (1963)

Constitutional Provisions

Fifth Amendment:

"No person . . . shall be compelled in any criminal case to be a witness against himself"

Sixth Amendment:

"In all criminal prosecutions, the accused shall enjoy the right . . . to have the assistance of counsel for his defense."

Fourteenth Amendment:

"No state shall . . . deprive any person of . . . liberty . . . without due process of law, nor shall deny to any person within its jurisdiction the equal protection of the laws."

Article III (Three):

Section one(1): "The judicial power of the United States, shall be invested in one supreme court . . ."

Section two(2): "The judicial power shall extend to all cases, in law and equity, arising under the Constitution, the laws of the United States, . . . or which shall be made, under their authority . . ."

A local police officer came to the sheriff's office and questioned petitioner without warning petitioner of his protected Miranda rights. During the 20 to 30 minutes the local police officer spoke to petitioner petitioner did not make any statement that lead the local police officer to believe that maybe he knew something or that he was involved in any way. (T.T. 65-66, 126) The local police officer had petitioner signed a consent to search his home. (T.T. 53-55) (See transcription excerpts in Exhibit #6)

The sheriff authorities along with the local police officer had petitioner transferred from the sheriff's office to petitioner's home. (T.T. 56) (See transcription excerpts in Exhibit #6)

While conducting a search in petitioner's home, a sheriff's officer found a gold bracelet and shown it to the local police officer. The local police officer recognized the bracelet as petitioner's home. (T.T. 56) (See transcription excerpts in Exhibit #6)

The Palm Beach County Sheriff's Office authorities arrested petitioner and had him in their custody at the Sheriff's office in regards to a Sheriff's department case. A Sheriff's officer read petitioner his Miranda rights at 4:44 A.M. and concluded his questioning of petitioners at 6:08 A.M. The Sheriff's officer then contacted the West Palm Beach local Police Department authorizes. (T.T. 25, 28-29, 34, 37, 39-40, 417) (See Exhibit #11) The West Palm Beach local Police Department authority has had petitioner as a person of interest for questioning in regards to the local police department case at hand. (T.T. 53)

Statement of the case

one that look just like one of the bracelet the intruder took from the victim during the robbery offense. The city local police officer confronted petitioner with the bracelet and told him he should consider himself under arrest for sexual battery and home invasion. The city local police officer then commenced to questioning petitioner without advising him of his Miranda rights because "he wanted a statement from petitioner and didn't want petitioner to invoke his rights." (T.T. 55-57, 64-68, 126-130) (see excerpt of transcripts in Exhibit # 6)

A county sheriff officer testified that he asked petitioner if he remember his rights that petitioner did not have to say anything. However, the same sheriff officer made a detailed police report but did not stated anywhere in his report that he reminded nor asked petitioner if he remembered his Miranda rights. (T.T. 43-44)

The same county sheriff officer did detailed in his report that he notice a plaque with the Lord's Prayer on petitioner's television. He then sat down with petitioner and asked petitioner, amound other things, if he believe in God, reads the Bible, and being a Christian. He then further asked petitioner "if he understand that confession is good for his soul and that that is what God wanted petitioner to do." Petitioner then made the recorded incriminating statement at 9:47 A.M in his home to the city local police officer and the county sheriff officer. (see report in Exhibit #7)

During the hearing of the motion to suppress and at petitioner's trial, the city local police officer testified under cross-examination, admitting that the incriminating statement petitioner made was inconsistent with the details of the crime and that it was him who was telling petitioner the details of the crime. (T.T. pg. # 70-73, 561, 567-573) (see excerpts of transcripts in Exhibit # 8)

During trial the crime scene investigating officer testified that with all the dusting for fingerprints, all the evidence he collected from the victim's home, petitioner's home, and the rape-kit sent to the F.B.I. for testing, he nor the F.B.I. found no evidence connecting petitioner to the crime. (T.T. 498-502) (See excerpt of transcripts in Exhibit # 9)

During the hearings of the Motion to suppress petitioner's incriminating statement in the state trial circuit court and the appeal briefing in the 4th DCA, petitioner's counsels set forth that the local police officer was under an obligation to warn petitioner of his Miranda rights before questioning him about a different case-offense from what petitioner was in the sheriff's custody for. Since petitioner was in the sheriff's custody for one offense and the local police officer was from a different agency investigating a different case. Counsel also set forth that there was a break in communication in custodial interrogation when the authorities moved petitioner from the sheriff's office to petitioner's home. A whole new questioning started in petitioner's home at 9:47 A.M. That the local police officer, at a minimum, should have warned petitioner of his rights. (T.T. 12-13, 15, 20-22, 90-92, 157-158, 161-168) (See transcripts excerpts in Exhibit #12)

On February 18, 1998, the state's 4th DCA per curiam affirmed petitioner's appeal in Beaton v. State, 706 So.2d. 312 (Fla. App. 4 Dist. 1998) (See Exhibit #1)

On a timely Motion For Rehearing, Filed by petitioner pro se, petitioner had brought it to the state's 4th D.C.A. attention that the court had overlooked this court's decisions held in Westover v. United States, Miranda v. Arizona, and/or Mathis v. United States. The state's 4th D.C.A. denied Rehearing on June 10, 1998. (See court's order in Exhibit #1)

IN Westover v. U.S., the decision held by this court stated that "A different case would be presented if an accused were taken into custody by a second authority, removed both in time and place from his original surroundings, and then adequately be advised of his rights and given an opportunity to exercise them."

id., at 496, 86 S.Ct., at 1639 (1966)

IN Mathis v. U.S., The decision held by this court stated that "The Government also seeks to narrow the scope of the Miranda holding by making it applicable only to questioning one who 'in custody' in connection with the very case under investigation. There is no substance to such a distinction, and in effect it goes against the whole purpose of the Miranda decision which was designed to give meaningful protection to Fifth Amendment rights."

id., at 4, 88 S.Ct., at 1503. (1968) ..

The same Miranda rights issue involved in petitioner's case at hand was the same issue involved in petitioner's other cases. In Beaton v. State, 709 So.2d. 172 (Fla. App 4

DIST. 1998), the state's 4 D.C.A. held that "Miranda does not require that after effective waiver, each individual questioning the defendant during a single continuing session of interrogation must, prior to asking any question readvise the defendant of his Miranda rights." id, at 173. (see court's order in EXHIBIT # 2)

The decision in Beaton, *supra*, became applicable and binding to the court's affirmance of petitioner's case at hand because in the Footnote the court stated that "Beaton has raised this argument numerous times in his six appeals before this court. We have already rejected this argument twice in case numbers DN 97-0726 and DN 97-0725." Case number 97-0725 is the case at hand cited as Beaton v. State, 706 So.2d. 312 (Fla. App 4 Dist. 1998)

Petitioner has repeatedly petitioned the state's 4th D.C.A. and the Florida supreme court for habeas corpus relief. Establishing that the appellate court's decision resulted in a manifest injustice because its decision conflicts with the Miranda rights principle of law established by this court in Westover v. U.S., Mathis v. U.S., and/or Brewer v. Williams. (see courts orders in EXHIBIT # 4)

Petitioner had brought the state court's own decision held in Turner v. State, 429 So.2d. 318 (Fla. App 1st D.C.A. 198), that relied on this court's decision in Mathis v. U.S., *supra*. In Turner, the state appellate court held that "Even though offense for which a defendant is

restrained is different from that for which he is questioned he must, nevertheless, before questioning, be given his rights before any questioning about a different case." *id.*, at 321.

Relying on the same decision it held in *Beaton v. State*, 709 So.2d. 172, at 173 (Fla. App. 4 Dist. 1998), the state's 4th D.C.A. reasserted and reaffirmed its decision on November 29, 2014, when the court denied Habeas corpus relief and imposed sanction against petitioner. The court held that "we have repeatedly found that the questioning was part of a single continuing session of interrogation and the officers did not have to re-advice him of his Miranda rights." (see court's order in Exhibit # 3) See Beaton v. State, 162 So.3d. 126 (Fla. App. 4 Dist. 2014)

Most recently on July 22, 2020, petitioner filed a Petition For Extraordinary Writ to the Florida Supreme Court. Establishing that the 4th D.C.A. decision resulted in a manifest injustice. Petitioner also established that the Sheriff officer use of such psychological religious appeal to coerce petitioner to make the false and involuntary incriminating statement was a 5th Amendment Constitutional-Federal right violation of the self-incrimination compulsory clause and in violation of the Miranda rights principle of law to this court's decision established in Brewer v. Williams, 430 U.S. 387, 97 S.Ct. 1232 (1977). (See court's order in Exhibit # 5)

The Florida supreme court justices dismissed petitioner's Extraordinary writ petition on August 25th, 2020. (see court's order in Exhibit # 5)

On October 10th, 2001, pursuant to title 28 U.S.C. § 2234 petitioner sought Habeas corpus relief in the Federal District Court For the southern District of Florida. The Federal court judge denied relief on May 29th, 2002, and denied Certificate of Appealability (C.O.A.) on October 4th, 2002. (see court's order in Exhibit # 10)

Petitioner appealed to the United States Court of Appeals For the Eleventh Circuit For C.O.A. On January 9th, 2003, the circuit court judges denied C.O.A. and reconsideration on March 3rd, 2002. (see court's order in Exhibit # 10)

This court denied certiorari review on October 14th, 2003.

On January 6th, 2020, pursuant to title 28 U.S.C. § 2244(b)(3)(A), petitioner sought leave to file a second or successive writ of Habeas corpus application in the United States Court of Appeals For the Eleventh Circuit court. Such was denied on January 30th, 2020. (see court's order in Exhibit # 10)

Petitioner has exhausted all other remedies in state and Federal courts. Adequate relief cannot be obtained in any other form or from any other court.

Exceptional circumstance warrants this court the authority to exercise its discretionary power to grant Extraordinary writ-Habeas corpus relief to redress the state court's fundamental miscarriage of justice that resulted in petitioner's wrongful conviction and unlawful custody.

Reasons For Granting Extraordinary writ/Habeas corpus relief

In Beaton v. state, 162 So.3d. 126 (Fla. App. 4 Dist. 2014), the state appellate court held that "we have repeatedly found that the questioning was part of 'a single continuing session of interrogation' and the authorities did not have to re-advise petitioner of his Miranda rights."

In Westover v. United States, decided with Miranda v. Arizona, this court held that "we do not suggest that law enforcement authorities are precluded from questioning any individual who has been held for a period of time by other authorities and interrogated by them." *id.*, at 496.

Westover's case and petitioner's case are similar in circumstances in three aspects and this court's decision are applicable to petitioner's case

First. Westover was arrested and in the Kansas City local Police custody for one offense. The Kansas City local Police interrogated Westover but did not advise Westover of his Miranda rights. *id.*, at 494-495.

Petitioner was arrested and in the Palm Beach County Sheriff custody for one offense. The Sheriff authority read petitioner his Miranda rights at 4:44 A.M at the Sheriff's office and interrogated him until 6:08 A.M.

Second. Westover was wanted by the F.B.I., a different branch-agency of authority, for a different offense from what the Kansas City local Police arrested and had him (Westover) in their custody for. *Ibid.*

Petitioner was wanted by the City of the West Palm Beach

local Police Authority, a different branch of authority, for a different offense from what the Palm Beach county sheriff authorities arrested and had him in their custody for. (T.T. 64-68)

Third. The F.B.I. went to the Kansas City local Police Headquarters, moved Westover from one place to another, advised Westover of his Miranda rights and then interrogated him. id. 95

The West Palm Beach City local Police officer went to the Palm Beach county sheriff's Headquarters and questioned petitioner without advising petitioner of his Miranda rights.

The West Palm Beach City local Police officer then moved petitioner from the sheriff's office and transferred him to his home. While in petitioner's home the City local Police officer confronted petitioner with incriminating evidence in regards to the case the City local police officer was investigating; different from what petitioner was in the sheriff custody for. The city local police officer then questioned petitioner without advising petitioner of his Miranda rights because he did not want petitioner to invoke his rights. (T.T. pgs. # 55-57, 64-68, 126-130, 135-136) (Excerpts in Exhibit #6)

In Westover, this court held that "although the two law enforcement authorities are legally distinct and the crimes for which they interrogated Westover for were different, the impact on him was that of 'a continuous period of questioning.'" id. at 496.

The state appellate court's decision in petitioner's case at hand conflicts with this court's decision in Westover.

The state appellate court's decision rests upon the reasoning that "the authorities questioning of petitioner was 'a single

continuing session of questioning." The same was found by this court in Westover that the impact on Westover "was that of a continuous period of questioning." Ibid.

In Westover, this court went on to rule that "a different case would be presented if an accused were taken into custody by the second authority, removed both in time and place from his original surroundings, and then adequately be advised of his rights and given an opportunity to exercise them." id. at 496, 86 S.Ct. at 1639.

The state appellate court in petitioner's case found that "the authorities did not have to re-advise petitioner of his Miranda rights." Such decision by the state appellate court conflicts with this court's decision in Westover because this court held that "the second authority" presenting an accused with a different case when "taken into custody by the second authority, removed both in time and place from his original surroundings," should "adequately advise the accused of his rights and give him an opportunity to exercise them." Ibid.

In petitioner's case, the West Palm Beach city local police officer was the "second authority." When petitioner was moved from the sheriff's office and transferred to his home he was "removed both in time and place from his original surroundings." When the West Palm Beach city local police officer confronted petitioner with evidence of a different case, from what petitioner was in the Palm Beach county sheriff's custody for and questioned petitioner, he was required by this court's decision in Westover to adequately advise petitioner of his Miranda rights and give petitioner the opportunity to exercise them. id. at 496.

The circumstances in Westover's case and petitioner's case are almost similar, therefore, this court's decision in Westover is applicable to petitioner's case. For the state appellate court's decision to be contrary from this court's decision in Westover resulted in a decision that is in conflicts with this court's decision.

The state appellate court's decision in petitioner's case also conflicts with this court's decision in Mathis v. U.S., 391 U.S. 1, 88 S.Ct. 1503, 20 L.Ed.2d. 381 (1968)

The circumstances in Mathis and petitioner's case are similar in two aspects that rendered this court's decision applicable to petitioner's case and the state appellate court's decision conflicts with this court's decision.

Mathis was in a state prison custody serving time for one offense. An I.R.S. agent went to the prison and questioned Mathis about a different offense from what Mathis was in custody for. The I.R.S. agent did not advise Mathis of his Miranda rights before nor after questioning Mathis. id. at 2.

Petitioner was in the Palm Beach County Sheriff Authorities' custody for one offense. A West Palm Beach city local Police officer went to the Palm Beach County Sheriff's office and questioned petitioner about a different offense from what petitioner was in the Sheriff's custody for without advising petitioner of his Miranda rights before nor after questioning petitioner. (T.T. pgs. # 64-65,68)

In Mathis, this court held that "The Government also

seeks to narrow the scope of the *Miranda* holding by making it applicable only to questioning one who is "in custody" in connection with the very case under investigation. There is no substance to such a distinction, and in effect it goes against the whole purpose of the *Miranda* decision which was designed to give meaningful protection to the Fifth Amendment rights. We find nothing in the *Miranda* opinion which calls for a curtailment of the warnings to be given persons under investigation by officers based on the reason why the person is in custody." *id.* at 4-5.

The state appellate court's decision that the authorities or "the officers did not have to re-advise petitioner of his *Miranda* rights" conflicts with this court's decision in *Mathis*.

In adherence to this court's decision in *Mathis*, even though petitioner was in the sheriff's custody for one offense and the city local police officer was questioning him about a different offense from what petitioner was in the sheriff's custody for, the city local police was, nevertheless, required to, before questioning petitioner about a different offense, advised petitioner of his *Miranda* rights to remain silent and to the presence of counsel. *Ibid.*

In *Miranda*, this court held that "as soon as the police officer has evidence which would afford them reasonable grounds for suspecting that a person has committed an offense he must caution that person or cause him to be cautioned before putting to him any questions or further questioning relating to that offense." see *Miranda*, at 487.

The West Palm Beach city local Police officer testified that when he had first spoken to petitioner at the Sheriff's office petitioner did not say anything to make him believe that he was involved in the crime. It was not until they were in petitioner's home and they found the gold bracelet. He then confronted petitioner with the bracelet, told petitioner he should consider himself under arrest, and then questioned petitioner without advising petitioner of his Miranda rights because he did not want petitioner to invoke his rights. (T.T. 65-66, 126-130, 558) (See transcript excerpts in Exhibit #6)

Clearly the dictates of Miranda, by this court, required the West Palm Beach city local Police officer to warn or caused petitioner to warn before putting to petitioner any questions or further questioning relating to that offense he was questioning petitioner about. Ibid.

In petitioner's case, even though the Sheriff officer testified that he asked petitioner if he remember his Miranda rights and that petitioner did not had to say anything, the most compelling exceptional circumstance in petitioner's case, regardless of the Sheriff officer asking petitioner if he remember his rights, that required the authorities, at a minimum, to warn and/or re-advise petitioner of his complete protected constitutional-Federal Miranda rights to remain silent and to have counsel present before they put any further questioning to petitioner, about any offense, was the Sheriff officer own police report that it was not until he sat down with petitioner and asked him about the Bible, God, being a Christian, and "understanding that confession is good for his soul and that is what God wanted," that petitioner made any incriminating statement. (Exhibit #7)

In Brewer v. Williams, 430 U.S. 387, at 399-407, 97 S.Ct. 1232 (1977), the detective did not even went into that much of a "christian Burial speech" For this court to held that "Williams 6th and 14th Amendment rights to the assistance of counsel was violated when the detective deliberately and designedly set out to elicit information From Williams by his use of psychology on a person whom he knew to be deeply religious."

This court in Williams Found "so clear a violation of the sixth and Fourteenth Amendment as here occurred cannot be condoned." The same ruling in Williams is applicable to petitioner's case when the local city police officer told petitioner he is under arrest but elicit not to advise petitioner of his rights because he did not want petitioner to invoke his rights. (T.T. pg. # 55-57, 64-68, 126-130, 558)

In petitioner's case at hand, the sheriff officer's impropriety of such psychological religious coercive influence, calculated to delude petitioner as to his true position or to exert improper and undue influence over petitioner's mind, by telling him that "confession is good for his soul and that is what God wanted petitioner to do," made it imperative for the officers to advise or re-advise petitioner of his complete Miranda rights to counsel's presence and to remain silent before they questioned him or put any further questioning to petitioner. (see EXHIBIT # 7) Miranda, at 467, 476.

The state appellate court has decided an important Federal Miranda rights question in a way that conflicts with this court decision(s) in Westover, Miranda, Mathis, and/or Brewer.

The state appellate court's decision that "the authorities questioning of petitioner was part of a single continuing

session of interrogation and the officers did not have to re-advice petitioner of his Miranda rights" conflicts with the Federal protected constitutional rights established by this Supreme Court of the United States in *Miranda v. Arizona*, *Westover v. U.S.*, *Mathis v. U.S.*, and/or *Brewer v. Williams*. Thereby resulting in a manifest fundamental miscarriage of justice in violation of the United States Constitution 5th, 6th, and 14th Amendment rights.

Each of this court's decision(s) in *Miranda*, *Westover*, *Mathis*, and/or *Brewer v. Williams*, dictates that the authorities in ~~authorities~~ in petitioner's case was required to advise and/or re-advice petitioner of his complete protected Federal Miranda rights to remain silent and to the assistance or presence of counsel prior to and/or during questioning by the County Sheriff and city local police officer in petitioner's home at 9:47 A.M.

The violation of such Federal-constitutional rights resulted in the wrongful conviction and unlawful custody of petitioner, warranting exceptional circumstances for this court to exercise its discretionary power to grant extraordinary writ for habeas corpus relief.

Petitioner has exhausted all other remedies in the state circuit-trial, appellate, and Supreme Court of Florida.

Petitioner has also exhausted all other extraordinary writ for habeas corpus relief-remedies in the applicable Federal District Court of Florida and the United States Court of Appeals for the Eleventh Circuit pursuant to Title 28 U.S.C. § 2244, 2253, and 2254.

Adequate relief cannot be obtained in any other form or from any other court.

In petitioner's case at hand, it was explicitly arbitrary-contrary to the Federal protected Miranda rights principle of law for the county sheriff officer to coerced petitioner with the psychological religious coercion, that induced petitioner to make the false-involuntary incriminating statement, right after he asked petitioner if he still understand or remember his Miranda rights and that petitioner didn't have to say anything. such arbitrary-contrary inapplication of the Miranda rights warning by the city local police officer, because he wanted to elicit a statement from petitioner and he didn't want petitioner to invoke his rights, is also in conflict and/or contrary to this supreme court's well established Miranda rights principle of law. Any Miranda rights warnings the county sheriff officers advised petitioner of, prior to petitioner making the incriminating statement, was invalid and the incriminating statement involuntary. See *Miranda v. Arizona* and *Brewer v. Williams*.

The Palm Beach County sheriff officer and the city of West Palm Beach local Police officer are from two different jurisdictional agency of law enforcement authorities. Petitioner was in the county sheriff's custody for a totally different offense unrelated from the case at hand. After a county sheriff officer advised petitioner of his Miranda at 4:44 A.M. and concluded his interrogation of petitioner at the sheriff's office at 6:08 A.M., the sheriff authorities moved petitioner from the sheriff's office to petitioner's home.

While in petitioner's home a different sheriff officer and a city local police officer started a whole new different session of interrogation of petitioner in his home at 9:47 A.M. about the case at hand. At this time at 9:47 A.M is when the sheriff officer coerced petitioner with the psychological religious appeal and the city local police officer refused to advise petitioner of his Federal protected Miranda rights.

The 5th Amendment of the United States Constitution states in relevant part that "No person shall be compelled in any criminal case to be a witness against himself."

The 6th Amendment of the United States Constitution states in relevant part that "In all criminal prosecutions the accused shall enjoy the right to have the assistance of counsel for his defense."

The 5th and the 6th Amendment clause of the United States Constitution is incorporated in the Due Process clause of the 14th Amendment and thus applies to the states. The 14th Amendment states in relevant part that "No state shall deprive any person of liberty without due process of law, nor shall deny to any person within its jurisdiction the equal protection of the law."

In order to accord the privilege under the 5th, 6th, and 14th Amendment this court's predecessors rendered the decision held in Miranda v. Arizona, came to be known as the "Miranda rights" warning.

In Miranda, this court's decision states that "without proper safeguards the process of in-custody interrogation of persons suspected or accused of crimes contains inherent compelling pressure which works to undermine the individual's will to resist and compel him to speak where he would not otherwise do so freely." *id.* at 467, 86 S. Ct. at 1624.

"Any evidence that the accused was threatened, tricked, or cajoled into a waiver will show that the individual did not voluntarily waived his privilege." *id.* at 476, 86 S. Ct. at 1629.

The Palm Beach County Sheriff officer admittance that he used psychological religious coercion and the city of West Palm Beach local Police officer admittance that he didn't advised petitioner of his Miranda rights, in order to compel petitioner to make the False and involuntary incriminating statement, establishes that petitioner did not knowingly, intelligently, and voluntarily waived his Miranda rights. (T.T pg. # 45, 51, 439-440, 64-68, 126-130) (See Sheriff's report in Exhibit # 7 and Transcripts in EX. # 6)

The state county Sheriff officer and the city local Police officer violated petitioner's Federal protected constitutional 14th Amendment due process of law Miranda rights to remain silent and not to be compel to be a witness against himself under the 5th Amendment self-incrimination clause and to have the assistance or presence of counsel prior to or during custodial questioning under the 6th Amendment in a criminal proceeding.

The city local police officer admitted that the incriminating statement petitioner made is inconsistent with the details of the crime, thus, could not have been the person who committed the crime. (T.T. 70-73, 567-573) (see Transcript excerpts in EX. #8)

The C.S.I. officer testified at petitioner's trial that with all the dusting for Finger prints, the evidence he collected from the crime scene, the victim's and petitioner's home, the rape-kit sent to the F.B.I. for testing, along with blood, hair, and saliva collected from petitioner, and the medical report, the F.B.I. nor him found no evidence connecting petitioner to the crime. (T.T. pg. # 498-502)

Petitioner's innocence along with the violation of the constitutional Federal protected Miranda rights requires the immediate release of petitioner from custody or for his conviction to be overturn and reverse for a new trial without the incriminating statement.

RELIEF SOUGHT

Petitioner humbly moves this Honorable supreme court's Justices to grant Extraordinary writ/Habeas corpus relief. Whereby reversing the state court's judgement and remanding petitioner's case with instruction for petitioner to receive a new trial upon the suppression of the inadmissible-involuntary incriminating statement or for petitioner to be release from custody.

Respectfully submitted,

Wayne Beaton,
Petitioner, Pro se