

No. 20-7577

IN THE
SUPREME COURT OF THE UNITED STATES

“In re PERCY ALLEN STUCKS” – PRO PER PETITIONER

Vs.

ORIGINAL

TRISHA MEGGS PATE - RESPONDENT(S)

ON WRIT OF CERTIORARI

FILED
MAR 03 2021
OFFICE OF THE CLERK
SUPREME COURT, U.S.

SUPREME COURT OF FLORIDA

NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE

PETITION FOR WRIT OF CERTIORARI

PERCY ALLEN STUCKS

500 East Adams Street

Jacksonville, Florida, 32202

QUESTION(S) PRESENTED

1. According to Rule 15.3 of the Supreme Rule Rules; does the opposition have to respond; once a case the docket placed on the docket?

LIST OF PARTIES

1. Trisha Meggs Pate

Bureau Chief

PL-01, The Capitol

Tallahassee, Florida 32399- 1050

2. Hon. Clerk Scott S. Harris

Office of the Clerk

Washington, D.C. 20543-0001

OTHER
IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a petition for ~~rehearing~~ issue to review the
judgment below.

*Writ of Certiorari
P.S.*

APPENDIX A

Appendix	Items	Exhibits
A-1	Order Denying Defendant's Motion to Dismiss Pursuant to Florida Statues 776.032 Justifiable Use Of Force “ STAND YOUR GROUND”	Exhibit 1
A-2	First District Court of Appeal, State of Florida denial of Writ of	Exhibit 2

	Prohibition	
A-3	Supreme Court of Florida Order refusing to accept jurisdiction	Exhibit 3
A-4	JSO Supplementary Report, " Proving no knowledge of dating"	Exhibit 4
A-5	JSO Supplementary Report alleged State Witness John O'Neal	Exhibit 5
A-6	Motion to Compel	Exhibit 6
A-7	Sworn Motion to Dismiss	Exhibit 7
A-8	Charging information from Bernardo de Rionde	Exhibit 8
A-9	James Small Depositions	Exhibit 9
A-10	Shannon Murphy Depositions	Exhibit 10
A-11	Photo of Defendant; accepting responsibility for Tampering with Evidence	Exhibit 11

OPINIONS BELOW

[] For cases from **federal courts**:

The opinion of the United States court of appeals at Appendix _____ to

The petitioner and is

[] reported at _____; or,

[] has been designated for publication but is not yet reported; or,

[X] is unpublished.

The opinion of the United States District court of appeals at Appendix _____ to the petitioner and is

[] reported at _____; or,

[] has been designated for publication but is not yet reported; or,

[X] is unpublished

[] For cases from **state courts**

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

[] reported at _____; or,

[] has been designated for publication but is not yet reported; or,

[X] is unpublished.

The opinion of the _____ court

Appears at Appendix _____ to the petition and is

[] reported at _____; or,

[] has been designated for publication but is not yet reported; or,

[X] is unpublished

JURISDICTION

[] For cases from **federal courts:**

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

[] No petition for hearing was timely filed in my case.

[] A timely petition for rehearing was thereafter denied on the following date:

_____, and a copy of the order denying rehearing appears at Appendix N/A.

[] An extension of time to file the petition for writ of certiorari was granted to and including _____ (date) on _____

(date) in Application No. _____ A _____.

The jurisdiction of this Court is invoked under 28 U.S.C § 1254 (1)

For cases from **state courts**:

The date on which the highest state court decided my case was January 29, 2021. A copy of that decision appears at Appendix B.

A timely petitioner for rehearing was thereafter denied on the following date: April 12, 2019, a copy of the order denying rehearing appears at Appendix B.

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

FLORIDA STATUES

U.S. Constitutional First Amendment Right to say what I want and be heard,

U.S. Constitutional Sixth Amendment Right to have legal counsel for my defense

U.S. Constitutional Sixth Amendment Right any revealed contract, statue, law, rule or information being used against me and I have the right to challenge jurisdiction of this.

U.S. Constitutional 13th Amendment, not to be compelled to perform under any contract or commercial agreement that I have not entered into Knowingly, Voluntarily, Intentionally, and with Informed Consent; and that notice is served upon all cooperate government agents, that I have not, and will not accept the liability associated with the compelled benefit of any unrevealed contract or commercial agreement.

Article VI, Section 2 of the U.S. Constitution, "The Constitution and the laws of the United States (which shall be pursuance therefore)... Shall be the Supreme Law of the Land; and the judges in every state shall be bound thereby anything in the Constitution. I.e. "NO LAW PASSED CONTRARY TO THIS CONSTITUTION SHALL HAVE ANY VALIDITY (if there is a conflict, the state loses.)"

UCC "Uniform Commercial Code" 1-103.6 "commands the court retain Common Law rights and remedies, and statutes must be in harmony with Common Law."

FLORIDA CASE LAWS

Logan v. State, 846 So. 2d. 472 (Fla. 2003); which states, "generally, a criminal defendant has no right to partially represent himself and, at the time same time, be partially represented by counsel."

STATEMENT OF THE CASE APPENDIX A

The petitioner was denied immunity at his Stand Your Ground Hearing on March 05, 2018. See Exhibit 1. The petitioner later appealed to the First District Court of Appeal, State of Florida and was denied the Writ of Prohibition. See Exhibit 2. Next, the petitioner appealed to the Supreme Court of Florida and the Supreme Court of Florida declined to accept jurisdiction; over the case. See Exhibit 3.

REASONS FOR GRANTING THE PETITION

The State of Florida could not; in the beginning of the case; prove the petitioner was dating the alleged victim. See Exhibit 4. Also, the petitioner was charged with “Second Degree Murder”, based off the story; of State Witness; who stated; he is a crack addict. See Exhibit 5. The petitioner filed a Motion to Compel on March 04, 2020 and part of that motion to compel; was the sworn affidavit of State Witness named John O’Neal. See Exhibit 6. I was granted the sworn affidavit of state witness John O’Neal; but I never received it. The petitioner then put in a motion for Sworn Motion to Dismiss; based on not receiving the sworn affidavit of State Witness John O’Neal. See Exhibit 7. According the charging information;

signed by Bernardo de Rionde; Bar No. 365841; he certified that testimony under oath had been received from the material witness for the offense. See Exhibit 8. The Petitioner has been detained for 4 and half years and has never received the sworn affidavit of State Witness John O'Neal. I'm still waiting! Under the Common Law Jurisdiction; there has to be a sworn affidavit and or injured party present. The State of Florida is operating under the fraudulent Admiralty Jurisdiction; which is defined as the 10 square miles region of the District of Columbia. According to the Law Merchant Codes, the very law that this contract was under, there are certain things that constitute a valid contract vs. an invalid contract. President Roosevelt signed an international money contract in 1933. Our country has been bankrupted since 1938; the bankers own everything. I deny the validity of the contract that Roosevelt entered into with the International Bankers. State Witness James Small was never mentioned once in my discovery. Mr. Small claims the petitioner told him about the incident. In James Small Depositions, On Page 7, line 25, Mr. Small stated, Mr. Stucks kept to himself. See Exhibit 9. On page 7, line 25, Mr. Small stated, he stayed at the Eaverson address 2 years. . But on page 8, lines 3-4, when Mr. Small was asked what month and year? He replied in the beginning of April 2016. He did not reside at the residence two years. He basically told his first lie. On Page 8, lines 11-13, Mr. Small states that a couple and Mr. Stucks are the only ones; who resided at the Eaverson address. On Page 12, lines 1, 8, and 9, Mr. Small was asked if he has been convicted of a crime. He said yes, but he couldn't recall all of them and said sold Crack Cocaine and was arrested for Resisting without

Violence. On Page 13, line 2, Mr. Small said the sale of Crack Cocaine was in January Of 99 and that was the one. On Page 13, line 3, Mr. Small admitted to doing serious drugs and said there might be other charges too. See Exhibit 9. On Page 13, line 17, Mr. Small stated he was on Marijuana not Crack Cocaine or Heroin. On Page 14, lines 8 and 11, Mr. Small was asked if he met any of Mr. Stucks' family and his reply was no. Then, he said he thinks; he has an older brother. Mr. Stucks doesn't have an older brother. Plus, Mr. Stucks kept to himself; so he never talked to anyone; according to Page 7, line 20. On Page 14, lines 22-23, Mr. Small was asked if he had a job, he stated he worked at Waste Pro. On Page 15, line 1-2, Mr. Small stated, he had been working at Waste Pro; since 2006; but he didn't know the address; that seems like a fabrication; how can you work somewhere ten years and not know the address. On Page 15, line 14, Mr. Small admits he does not know; where Mr. Stucks works. Therefore, if Mr. Stucks didn't trust him enough; to tell him where; he worked; why tell him something serious. On Page 17, lines 1-4, Mr. Small was asked if the alleged victim did drugs; he said, he couldn't tell you that. Where did she get them? On Page 13, line 17, Mr. Small admitted to smoking Marijuana. On Page 17, line 13, Mr. Small stated the alleged victim stayed at the Eaverson address. But on Page 8, line 11-13, Mr. Small stated he, Mr. Stucks, and a couple resided at the Eaverson address. Which story is the truth? On Page 17, lines 18-22, Mr. Small was asked, did he have any conversations with Mr. Stucks during this time, he asked, between the murder and now; he said no. See Exhibit 9. On Page 17, line 23, Mr. Small was asked did he have any

conversation outside the text messages. On Page 18, line 5, Mr. Small stated we had conversations; we lived in the same household. Remember on Page 7, line 20, Mr. Small stated Mr. Stucks kept to himself. Basically, Mr. Stucks never spoke to no one. On Page 18, lines 13-18, Mr. Small was asked did Mr. Stucks ever talk about drugs. Mr. Small said no. The alleged victim had Marijuana, alcohol, and other drugs in her system. Mr. Small has admitted to Marijuana use in the past. On Page 18, lines 19-23, Mr. Small was asked did he ever call the authorities and said no. On Page 19, lines 8-25, Mr. Small stated the homicide detectives came to see him. Mr. Small was in JSO Custody for an unrelated charged and was offered inducements; for testimony against Mr. Stucks. On Page 21, line 3, the witness stated, why Mr. Small ain't go to jail yet? On Page 21, lines 4-12, Assistant State Attorney Perry stated, I'll talk to you later. She offered Mr. Small inducements for his testimony against Mr. Stucks. On Page 21, line 12, Assistant State Attorney Perry and witness go off the record. Assistant State Attorney Perry clearly has something to hide. On Page 21, lines 19-23, Mr. Small was asked did he have a nickname or street name. He stated no sir. On Page 21, lines 22-23, Mr. Small was asked who "Big Dog" was and he stated did not know. On Page 23, line 14-17, Mr. Small stated, he talked to Mr. Stucks about what happened to the alleged victim. On Page 17, line 18-22, Mr. Small stated Mr. Stucks and he had not talked after the murder; leading up to now. On Page 7, line 20, Mr. Small stated Mr. Stucks kept to himself. Which story is the truth? On Page 24, lines 21-24, Mr. Small stated Pastor Walker admitted to seeing the alleged victim on the floor. On Page 25, line 10-22,

Mr. Small was asked did Mr. Stucks tell him; that he accidentally shot her in the head one time. First, Mr. Small stated he's trying to remember. Then, Mr. Small said Mr. Stucks got mad; because she wanted to leave. On page 7, line 20, keep in mind, Mr. Small said, Mr. Stucks kept to himself; why trust anyone now? On Page 26, lines 2-3, Mr. Small Stated Mr. Stucks got mad; because she wanted to see other people. On Page 17, lines 18-22, Mr. Small stated, Mr. Stucks and he had not talked since after the murder leading to now. On Page 27, lines 13-16, Mr. Small stated after Mr. Stucks committed the murder at night; he went across in the field and started shooting in the air. There were shots fired in the air; if so the police; would have been called. On Page 29, lines 13-24, Mr. Small stated, Mr. Stucks didn't like people; talking to the alleged victim. On Page 31, lines 22-23, Mr. Small was asked did Mr. Stucks; tell him not to talk to the alleged victim. Mr. Small stated no. On Page 30, lines 9-21, Mr. Small was asked if he was recently arrested; Mr. Small stated yes. Mr. Small was offered inducements to testify against Mr. Stucks. Mr. Small stated, his charges were going to get dropped. On Page 30, line 18, Mr. Small admitted to being accused with possession of a firearm by a convicted felon. On Page 30, line 21, Mr. Small admitted to the charges being dismissed. Possession of a firearm by a convicted felon; carries a 3 year minimum mandatory in Florida. On page 33, line 24-25, Mr. Small stated, they told Mr. Stucks to leave the premises; during a clean-up attempt. On page 17, lines 18-22, Mr. Small stated, he and Mr. Stucks hadn't talked after the murder leading to now. On Page 33, lines 24-25, Mr. Small was asked; did he see Mr. Stucks shot in the air? On Page 34, line 3, Mr.

Small stated, no. On Page 27, lines 13-16, Mr. Small stated after the murder; Mr. Stucks went across the street; and started shooting in the air. On page 35, lines 16-19, Mr. Small was asked, did you get promised anything or were coerced or been threatened; for testimony. He stated no. On Page 30, lines 9-21, Mr. Small stated, his charges were going to be dismissed. He was given inducements by Assistant State Attorney Erin Perry; which is unethical. In the Stand Your Ground Hearing on March 05, 2018, Mr. Simmons asked, when did you come forward to the police one month later after the incident or two months later or 3 months later? Mr. Small said, "No." Mr. Simmons asked why you waited until one year later. Mr. Small could not answer. Mr. Simmons asked, do you have any warrants? Mr. Small said, "Yes." How could you have warrants but come to court in civilian clothes not jail clothing. In Mrs. Shannon Murphy deposition; on Page 05, lines 22-23; Mrs. Murphy stated Mr. Stucks worked for about 6 months and he was great. On Page 6, lines 1-2; Mrs. Murphy stated, Mr. Stucks was always on time. He was extremely courteous. He showed up for work; when he was asked to. He was pleasant; when he answered the phone. He was pleasant to people up front. No problems. No problems with him whatsoever. On Page 6, lines 3-7, Mrs. Murphy was asked did Mr. Stucks have any conversations about his girlfriend or anything like that. Mrs. Murphy said no. They were unaware of Mr. Stucks having a girlfriend. On Page 8, lines 3-8, Mrs. Murphy stated, Mr. Stucks did talk about; how there were people; that didn't want him to succeed. There were people that were out to get him. Mrs. Hart brought the email to Mrs. Murphy attention. On Page 8, line 25, and On Page 2-11, Mrs. Murphy was

asked did; she remembers anything else about Mr. Stucks and his case. Mrs. Murphy said, everyone was very shocked when this incident happened. Mr. Stucks was just extremely polite, extremely conscientious, loved the worked. Mr. Stucks would always come in and tell me; how much he appreciated being there and how much he liked the office environment and how nice the people were. So you know, I just think all of us; as a whole, were really shocked at --- when we found all this out. See Exhibit 10. The petitioner never committed murder; but I'm man enough to admitted the Tampering with Evidence charge; four days after the incident. See Exhibit 11.

CONCLUSION

The petition for Writ of Certiorari should be granted.

Respectfully Submitted,

/s/ Ferry Stucks

Date: 03-03-2021

I declare under penalty of perjury that the forgoing is true and correct.

Executed on March 03, 2021

/s/ Perry Stuhr

(Signature)