

20-7642

No. _____

FILED
FEB 18 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

DANIEL FETZER — PETITIONER
(Your Name)

VS.
SECRETARY, FLORIDA DEPARTMENT CHILDREN
AND FAMILIES, ET AL., — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)
THIS COURT DENIED ME MY CONSTITUTIONAL RIGHTS TO RULE ON MY MERITS.

PETITION FOR WRIT OF CERTIORARI

DANIEL FETZER
(Your Name)

FLORIDA CIVIL COMMITMENT CENTER
13619 SOUTH EAST HIGHWAY 70
(Address)

ARCADIA, FLORIDA 34266
(City, State, Zip Code)

(Phone Number)

ORIGINAL

QUESTION (S) PRESENTED

Doesn't The State Of Florida Have to Obey Your United States Supreme Courts Law In Kansas V Hendricks 117 S.C.T. 2072 (U.S. Kan. 1997) On Page 2080. Your Courts Law

Holds : Commitment Proceedings "Can Be Initiated " "Only" When A Person Suffers From A Mental Abnormality Or Personality Disorder Which Makes A Person Likely Engage In Predatory Acts Of Sexual Violence.

Your United States Supreme Courts Law

REQUIRES : EVIDENCE OF A PRESENT MENTAL CONDITION !

THE STATE OF FLORIDA WITHOUT NO EVIDENCE OF MR FETZER HAVING ANY PRESENT MENTAL CONDITION AND WITHOUT

THE STATE OF FLORIDA HAVING "NO" EVIDENCE OF MR FETZER HAVING A MENTAL ABNORMALITY OR PERSONALITY DISORDER WHICH MAKES MR FETZER LIKELY TO ENGAGE IN PREDATORY ACTS OF SEXUAL VIOLENCE HAS UNCONSTITUTIONALLY DEPRIVED MR FETZER OF HIS RIGHT TO LIBERTY FALSELY IMPRISONING MR FETZER.

THE STATE OF FLORIDA IS INTENTIONALLY AND MALICIOUSLY MISUSING CIVIL CONFINEMENT FOR RETRIBUTION AGAINST THE PETITIONER MR FETZER ! TO DELIBERTLY INTENTIONALLY AND MALICIOUSLY INVENT AND FABRICATE A FALSE DIAGNOSIS OF PARAPHILIA NOT OTHERWISE SPECIFIED.

Can The State Of Florida And Federal Courts In The State Of Florida Including The 11th Circuit United States Court Of Appeals In Atlanta Georgia Deliberately Deprive MR FETZER His Substantive Constitutional Right To Liberty And 14th Amendment To The United States Constitution Under A Fabricated False Diagnosis That Doesn't Exist?

And Can The Defendants Unconstitutionally Deprive MR FETZER His Right To Liberty When They Are Going Against Your United States Supreme Courts Law In Kansas V Hendricks On Page 2080 Your Court

***HOLDS : "Commitment Proceedings Can Be Initiated"
"Only" When A Person Suffers From A Mental Abnormality Or
Personality Disorder Which Makes The Person Likely To Engage In
Predator Acts Of Sexual Violence.***

"The Petitioner DANIEL FETZER Does Not Suffer From A Mental Abnormality Or Personality Disorder Which Makes MR FETZER Likely To Engage In Predator Acts Of Sexual Violence".

And Their Isn't Even Any Evidence That The Petitioner MR FETZER Suffers From A Mental Abnormality Or Personality Disorder Which Makes MR FETZER Likely To Engage In Predator Acts Of Sexual Violence. "And Because Their Was No Evidence That The Petitioner MR FETZER Suffers From A Mental Abnormality Or Personality Disorder That Makes MR FETZER Likely To Engage In Predator Acts Of Sexual Violence

That's Why The Defendants Chad Poppel The Secretary Of The Florida Department Of Children And Family's When MR FETZERS Prison Sentence Completely Expired On March 27,2010 On A Criminal

Charge That Had Nothing To Do With Sex That's Why They Intentionally And Maliciously Lied That Rape Was A Mental Abnormality When They Knew It Was A Crime And That's Why They Fabricated False Evidence That MR FETZERS Alleged Rape Charge From 28 Years Ago That MR FETZER Was Acquitted On Was A Mental Disorder" "When They Knew It Was A Crime" ! BECAUSE THEIR WAS NO EVIDENCE THAT THE PETITIONER MR FETZER SUFFERS FROM A MENTAL ABNORMALITY OR PERSONALITY DISORDER THAT MAKES MR FETZER LIKELY TO ENGAGE IN PREDATOR ACTS OF SEXUAL VIOLENCE!

Can The State Of Florida And Federal Courts In The State Of Florida Including The 11th Circuit United State Court Of Appeals In Atlantic Georgia Deliberately Deprive MR FETZER His Substantive Constitutional Right To Liberty And 14th Amendment To The United States Constitution And Violate The Law By Intentionally And Maliciously Not Hearing MR FETZERS Evidence Of The Defendants Chad Poppel The Secretary For The Florida Department Of Children And Family's Lying That Rape Is A Mental Disorder When The Evidence Over Whelming Proves Rape Is A Crime Not A Mental Disorder ?

Can The State Of Florida And Federal Courts In The State Of Florida Including The 11th Circuit Court Of Appeals In Atlanta Georgia Deliberately Deprive MR FETZER His Substantive Constitutional Right To Liberty And 14th Amendment To The United States Constitution And Violate The Law By Intentionally And Maliciously Not Hearing MR FETZERS Evidence Of The Defendants Chad Poppel The Secretary For Florida Department Of Children And Family's Deliberately Inventing A Fake Diagnosis Called Paraphilia Not Other Wise Specified

That Doesn't Exist ? And That The American Psychiatric Association States "Is Not A Diagnosis" "And Never Has Ben"!

And That The D.S.M.5 Which Is The Diagnostic And Statistical Manual The Official Classification Manual For Diagnosing Mental Disorders In The United States "Confirms Rape Is A Crime" "Not A Mental Disorder" And Does Not Provide Grounds To Find A Mental Disorder Particularly Paraphilia Not Other Wise Specified.

"The Evidence" "Proves" In Professor Dr. Allen Frances Publication TITLED : "D.S.M. 5 CONFIRMS RAPE IS A CRIME" "NOT A MENTAL DISORDER"!

In Exhibit (2) On Page 1 Which Is Included **PROFESSOR FRANCES**

STATES : "DIAGNOSING RAPE AS A MENTAL DISORDER THE D.S.M. 5 BLOWS THAT ARGUMENT OUT OF THE WATER!"

RAPE IS A CRIME ! In Their Own Diagnostic And Statistical Manual, Their D.S.M.5 Dr. Professor Allen Frances Proves It. Using Evidence From Their Own D.S.M.5 Professor Frances Proves That Rape Is A Crime Not A Mental Disorder See Exhibit (2) Exhibit (1) And The D.S.M.5 Is Evidence!

Also In Professor Dr. Allen Frances Publication TITLED : "D.S.M 5 CONFIRMS RAPE IS A CRIME NOT A MENTAL DISORDER"

On Page 2 Of Exhibit (2) On Page 2 Professor Dr. Allen Frances

STATES : These Repeated Repudiations Haven't Prevented Poorly Trained Psychologists Testifying As Alleged Experts In SVP Cases "From Inventing"

"THE FAKE DIAGNOSIS PARAPHILIA NOT OTHER WISE SPECIFIED"

ALSO SEE THE EVIDENCE Professor Allen Frances On The First Page
Second Paragraph To His 10 Page Declaration Which Is Exhibit (1)
Which Is Included With This Writ Of Certiorari.

Professor Dr. Allen Frances On The Second Page Of Exhibit (1)
Under Executive Summary In His Sworn Declaration Of Exhibit (1)

STATES : The Single Most Important Point Is That Rape Has Been
Explicitly Rejected As Grounds For Mental Disorder- By D.S.M. 111
In 1980, By D.S.M.111R In 1987, Again By D.S.M. IV In 1984, And
Recently By D.S.M. 5.

It Has Been The Long Standing And Consistent Policy Of
"All The Successive Manuals Of Psychiatric Diagnosis To Regard Rape"
"As A Crime Not As A Mental Disorder"!

D.S.M. Deliberately Choses Not To Mention Rape Among The
Numerous Examples Used To Illustrate Other Specified Paraphilia----
Trying To Prevent It From Finding The Back Door Into The System And
Similar Usages Other Specified Paraphilia/ Paraphilia Nos,
Non Consent In Other Cases). Proves That Some Evaluators Continue
To Misunderstand And Misuse The D.S.M. In SVP Cases.

THE Diagnosis Of Other Specified Paraphilia/Paraphilia Nos, Non
Consent "Has No" Official Standing Cannot Possibly Be Made Reliably
And There Fore "Has No Place" In Forensic Proceedings.

Professor Dr. Allen Frances Who Was The Professor Emeritus Of
Psychiatry And Behavioral Sciences At Duke University See His
Credentials On Next Page Professor Frances Also Was Involved In
Writing The D.S.M. 5.

PAGE 1
Paragraph (1) And States:

DUKE UNIVERSITY MEDICAL CENTER
Department of Psychiatry and Behavioral Sciences

Allen Frances, MD

Declaration of Allen Frances MD

Case of ~~Mr. [REDACTED]~~

Date of report: September 10, 2016

I, Allen Frances MD declare as follows:

1- I was the Chair of the DSM IV Task Force that prepared the official manual used to guide all psychiatric diagnosis. I was a member of the DSM-III-R Task Force, and also was on the Personality Disorders Workgroup for DSM-III and wrote the final draft of the DSM-III Antisocial Personality Disorder section. I was the founding editor of the Journal of Personality Disorders and have written numerous articles and book chapters on the diagnosis of personality disorder. I am currently Professor Emeritus of Psychiatry and Behavioral Sciences at Duke University and was previously its Chairman. Earlier, I had been Professor of Psychiatry first at Cornell University and then at Columbia University.

2- The Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, Text Revision (DSM-IV-TR), published by the American Psychiatric Association, is the official classification for diagnosing mental disorders in the United States. It is used by mental health clinicians of all disciplines (psychiatrists, psychologists, social workers, nurses, etc.). DSM-IV-TR is also the standard guide for psychiatric research, insurance and disability determinations, and for establishing psychiatric diagnoses in legal settings.

Then On Page 2 Of Professor Dr. Allen Frances Sworn Declaration Exhibit (2)
Under Executive Summary States:

Executive Summary

The single most important point is that rape has been explicitly rejected as a grounds for mental disorder by DSM III in 1980, by DSM III-R in 1987, again by DSM IV in 1994, and recently by DSM 5. It has been the longstanding and consistent policy of all the successive manuals of psychiatric diagnosis to regard rape as a crime, not as a mental disorder. DSM deliberately chooses not to mention rape among the numerous examples used to illustrate Other Specified Paraphilia- trying to prevent it from finding this back door into the system. Obviously, Mr. ~~[REDACTED]~~'s case (and similar usages of Other Specified Paraphilia/Paraphilia NOS, nonconsent in other cases) proves that some evaluators continue to misunderstand and misuse the DSM in SVP cases. The diagnosis of Other Specified Paraphilia/Paraphilia NOS, nonconsent has no official standing, cannot possibly be made reliably, and therefore has no place in forensic proceedings

MR FETZER Has Constantly Filed Every Legal Action That He Is Able To File Including Writs Of Habeas Corpuses' On These Substantive Claims Which Were Refused To Be Heard, This Most Recent Appeal Was A 1983 Civil Rights Complaint To The 11TH Circuit Court Of Appeal Which Also Requesting Habeas Corpus Release

As In O'Connor V Donaldson 95 S.C.T.2486 See Page 2489 Your United States Supreme Court Under Justice Stewart Delivering The Opinion Of The Court

STATED : Throughout His Confinement Donaldson Repeatedly, But Unsuccessfully, Demanded His Release, Claiming That He Was Dangerous To No One, That He Was Not Mentally Ill . MR FETZER Has Ben Repeatedly Telling The Florida Civil Commitment Center And The Courts The Same Thing And As Donaldson This Civil Commitment Center Is Not Providing Treatment For MR FETZERS False Fabricated illness.

In February 1971, Donaldson Brought His Lawsuit Under 42 U.S.C. 1983, In The United States District Court For The Northern District Of Florida, Alleging That O'Connor And Other Members Of The Hospital Staff Named As Defendants Had Intentionally And Maliciously Deprived Him Of His Constitutional Right To Liberty.(FN1.).

(FN1.) On Page 2500 Donaldson's Original Complaint Was Filed As A 1983 Class Action In Addition To Damages Claim, Donaldson's Complaint Also Asked For Habeas Corpus Relief Ordering His Release.

MR FETZER Filed On October 2,2019 A Civil Rights Complaint Under U.S.C. 1983 In The Same Court As Donaldson The United State District Court For The Northern District Of Florida Against Chad Poppel Secretary Of The Florida Department Of Children And Family's, The Florida Department Of Children And Family's And The Other Defendants I Swore Out In My Complaint Stating Chad Poppel The Secretary Of The Florida Department Of Children And Family's And The Defendants Intentionally And Maliciously Invented This Fake Diagnosis Of Paraphilia Not Other Wise Specified Against MR FETZER And Intentionally And Maliciously Falsely Stated Lying That Rape Is A Mental Disorder When They Knew MR FETZERS Rape Was A Crime So Chad Poppel The Secretary Of The Florida Department Of Children And Family's And The Florida Department Of Children And Family's And The Defendants Could Intentionally And Maliciously Falsely Imprison MR FETZER Solely On This Alleged Rape Charge From 28 Years Ago In 1983, Which MR FETZER Was Even Cleared On At The Time Of This Alleged Rape By Two Psychiatrists At Bridgewater State Hospital. MR FETZER Was Evaluated In Person On August 30,1983 By Psychiatrist Dr. James William Right After This Alleged Rape And MR FETZER Again On September 30,1985 Was Evaluated In Person By Another Psychiatrist A Dr. Ph. Tae-IM Moon See Included Exhibit (5) And Exhibit (6)Included With This Writ Of Certiorari. **And These Psychiatrists In EXHIBIT (6) STATED "MR FETZER Does Not Suffer From Any Major MentalILLNESS"**

Which MR FETZER Has Maintained This Alleged Rape Was Consensual All Along Which Was Reversed And MR FETZER Was Acquitted On Which The Florida Department Of Children And Families' And The Defendants Unconstitutionally Used From 28 Years Ago The Defendants Deliberately Lied That Rape Is A Mental

Disorder When It's a Crime Which Chad Poppel The Secretary Of The Florida Department Of Children And Families' And The Defendants Knew Was A Crime And The Evidence Proves It's a Crime.

The Evidence Professor Dr. Allen Frances's 10 Page Sworn Declaration Which Is Exhibit (1) Which Is Included With This Writ Of Certiorari And Professor Dr. Allen Frances's Publication Titled D.S.M. 5 Confirms That Rape Is A Crime Not A Mental Disorder, Which Is Exhibit (2) Which Is Included With This Writ Of Certiorari. Exhibit (1) And Exhibit (2) Is Over Whelming Evidence, Along With The D.S.M. 5 Which In Addition Is Substantial Evidence And Proves That *The Florida Department Of Children And Families' And The Defendants* Intentionally And Maliciously Lied And Fabricated This False Evidence To Falsely Imprison MR FETZER Lying Falsely Stating That MR FETZER'S Alleged Rape That Was Reversed 28 Years Ago Was A Mental Disorder When They Knew It Was A Crime And Then Also Fabricated This False Diagnosis Of Nos Unspecified Deliberately Misusing This 28 Year Old Alleged Rape Charge Which The Defendants Unconstitutionally Used On The First Page Of Their Florida Department Of Children And Family's Petition To Falsely Imprison The Petitioner MR FETZER, Which Is Exhibit (7).

The Judgement And Conviction Was Reversed And Set Aside See Exhibit (3) By The 3 Justices Of The Appeals Court In The State Of Massachusetts Which MR FETZER All Along Has Maintained That It Was Consensual And The 3 Justices Of The Appeals Court In Massachusetts Even Saw And Stated That The Complainant Had A Motive To Lie Concerning The Voluntariness Of Her Participation With MR FETZER, See Included Exhibit (3) Which Is Included With This Writ Of Certiorari.

Your United States Supreme Court Stated And

The Question Is : If Civil Confinement Doesn't Conform To Your Courts Precedents And Civil Confinement Has Become A Mechanism For Retribution And General Deterrence And If It Were Shown That Mental Abnormality Is Too Imprecise A Category To Offer A Solid Basis For Concluding That Civil Detention Is Justified **Like It Has Become In MR FETZERS Case, "Will Your Court Do What It Said It Would Do Your Precedents Not Suffice To Validate It And Your Court Find Civil Confinement Unconstitutional ?"**

In Kansas v Hendricks 117 S.C.T.2072 521 U.S. 346 (U.S. Kan 1997) Your United States Supreme Court On Page 2087 Justice Kennedy Concurring At 373

HOLDS : If However, Civil Confinement Were To Become A Mechanism For Retribution Or General Deterrence Or General Deterrence Or If It Were Shown That Mental Abnormality Is Too Imprecise A Category To Offer A Solid Basis For Concluding That Civil Detention Is Justified, "Our Precedents Would Not Suffice Validate It"!

In MR FETZERS Case It Has Become A Mechanism For Retribution! The Florida Department Of Children And Family's How They Intentionally And Maliciously Misused It To Fabricate False Evidence Against MR FETZER It Has Become A Mechanism For Retribution And In MR FETZERS Case It Shows That The Mental Abnormality Is Too Imprecise A Category To Offer A Solid Basis For Concluding That Civil Detention Is Justified.

See MR FETZERS Petition To The 11th Circuit Court Of Appeals
TITLED: Petitioner's Petition To The United States Court Of Appeals On
Page 16, 17, And 18 To The 11th Circuit Court Of Appeals Dated
July 22, 2020 See Entire Petition To 11th Circuit United States Court Of
Appeals Which Is Included With This Writ Of Certiorari See Exhibit (1A)

Another Question : Is Whether Petitioner MR FETZER May Bring A
Claim Based On The Fourth Amendment To Contest The Legality Of His
Pretrial Confinement ?

Your United States Supreme Court In Manuel V. City Of Joliet Ill,
Supra 137 S.C.T. 911 (U.S.2017) On Page 914 Kagan
Delivered The Opinion Of The Court.

HOLDING : We Hold Today **Manuel May Challenge His Pretrial
Detention On The Ground That It Violated The 4TH Amendment.**

Another Question : Doesn't Petitioner MR FETZER Have His
Constitutional Right To Challenge His Pretrial Detention As In Manuel V.
City Of Joliet Ill, Supra 137 S.C.T. 911 (U.S.2017) On The Ground That It
Violated MR FETZERS 4TH Amendment ?

Another Question : Doesn't This 4th Amendment Constitutional Right
Also Apply To Petitioner MR FETZER ?

Another Question : And Doesn't The State Of Florida And The 11th
Circuit United States Court Of Appeals Have to Go By Your Honorable
Courts Law In Manuel V. City Of Joliet Ill, Supra 137 S.C.T. 911
(U.S.2017) That Proves The Defendants Violated MR FETZERS
4TH Amendment Right

Another Question : The State Of Florida And Courts When They Lack Jurisdiction And Or Subject Matter Jurisdiction Under Section 95.11 Section (1) Florida Statute Don't They Lack Jurisdiction To Even Bring This Involuntary Civil Commitment Proceeding Based On An Index Offense That Is 20 Years Or Older MR FETZERS Is Over 28 Years Old.

Another Question : Don't They Have To Go By The Law ?

MR FETZERS Sole Criminal Judgment And Conviction Case Number F.No,84-815 The Only One MR FETZER Has That Was Used For Involuntary Civil Commitment Are Over 20 Years Old And Thus bared by The Statute Of Limitations.

Section 95.11 Florida Statute : STATES "Limitations OtherThan For The Recovery Of Real Property"

Actions Other Than For Recovery Of Real Property "Shall Be" Commenced As Follows:

(1)Within Twenty Years—An Action On A Judgment Or decree Of A Court Of Record In This State.

In The Instant Case The SVP Act Cannot Circumvent Section 95.11, Florida Statutes, Without Triggering A due Process, Equal Protection And/ Or Expose Facto Violation.

The Instant Case Was Prosecuted In Violation Of Section 95.11 See Exhibit (3) The 1983-85 Case In Massachusetts. Then See Exhibit (7) The First Page Of The Petition To Have MR FETZER Declared A Sexually Violent Predator And Its Time Stamped 2010 See The First Paragraph It States As Grounds They Are Using This Alleged Conviction From

Massachusetts On November 5, 1985 That's Exhibit (3) Which Was Reversed And Set Aside By The 3 Justices Of The Appeals Court In The State Of Massachusetts Which MR FETZER Maintained Was Consensual And The 3 Justices Even Saw And They Stated That The Complainant Had A Motive To Lie Concerning The Voluntariness Of Her Participation With MR FETZER See Included Exhibit (3) And The First Page Of The Petition See Exhibit (7)

The Instant Case Was Prosecuted In Violation Of Florida's Statute Of Limitations, 95.11 Which Is Exhibit(Discharge) Which Is Included With This Writ Of Certiorari , That Was In Effect At The Time, And Which Already Barred The State Of Florida From Bringing This Petition Against MR FETZER. Section 95.11 Subsection (1)

States: (An Action On Judgment Or Decree Of A Court Of Record In This State Must Be Commenced Within 20 Years.

Subsection (6) (Laches "Shall" Bar Any Action Unless It Is Commenced Within The Time Provided For Legal Actions Concerning The Same Subject Matter), And Subsection (9) (An Action On A Sexual Battery Offense On A Victim Under Age 16, Is Barred, If The Crime Was Committed On Or Before July 1, 2010).

All Criminal Offences Allegedly Committed By MR FETZER Happened Between The Years 1983-1985 Which Had To Do With An Alleged Adult.

Also Included With This Writ Of Certiorari Is : MR FETZERS Motion To Dismiss For Lack Of Subject Matter Jurisdiction Which Proves They Didn't Have Jurisdiction. That Was Sent To The Trial Court That The Trial Court Kept Putting Off And Didn't Hear, And Also A Motion To The United States Court Of Appeals Eleventh Circuit Titled Motion To Hand

These Two Fundamental Exhibits To The 11TH Circuit Court To Hear With MR FETZERS Motion For A Rehearing Exhibit (13) Which Is The Exact Exhibit As Exhibit (Discharge) Which Is The Florida Statute Of Limitations 95.11 Which When The Petition For Florida Civil Commitment Was Filed By The State Of Florida This Statute Of Limitations 95.11 Subsection (1) 20 Year Time Limit Already Expired In MR FETZERS Case Which Barred The State Of Florida To Lawfully File The Civil Commitment Petition Against MR FETZER.

The Florida Department Of Children And Families And The State Of Florida Was Statutorily Barred From Prosecuting The Petition For Involuntary Civil Commitment By Section 95.11 Subsection (1), Florida Statutes, Art.1 ,9, & 10,Florida Constitution. As Well As The Federal Constitution. Henceforth, MR FETZER Must Immediately Be Discharged From The Defendants Custody.

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

[✓] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

A Shley Moody	ATTORNEY GENERAL
ANNA HIXON	ASST STATE ATTORNEY
BRENT SHORE	DUVAL COUNTY JUDGE
CHAD POPEL	FLORIDA DEPT CHILDREN FAMILYS
CANNON	U.S. MAGISTRATE JUDGE
DANIEL FETZER	PETITIONER
DONALD SAWYER	FACILITY ADMINISTRATOR
OF FLORIDA CIVIL	COMMITMENT CENTER
JEREMY BAIR	PRESIDENT OF WELLPATH
MARK WALKER	U.S. DISTRICT JUDGE
MICHAEL WEATHERBY	DUVAL COUNTY CIRCUIT JUDGE
MARK INCH	SECRETARY FLORIDA DEPT CORRECTIONS
JILL PRYOR	11TH CIRCUIT COURT JUDGE
LAGOA	11TH CIRCUIT COURT JUDGE
BRASHER	11TH CIRCUIT COURT JUDGE

TABLE OF AUTHORITIES CITED

CASES

KANSAS V. HENDRICKS 117 S. CT. 2072 (U.S. KAN 1997)	PAGE NUMBER 280, 2082 2087, 2075
MANUEL V. CITY OF JOLIET ILL., (U.S. 2017) 137 S. CT. 911	913, 914, 920, 918, 919, 917, 926, <u>929 [FN 3]</u>

STATUTES AND RULES

COMMITMENT PROCEEDINGS CAN BE INITIATED ONLY WHEN A PERSON SUFFERS FROM A MENTAL ABNORMALITY OR PERSONALITY DISORDER WHICH MAKES THE PERSON LIKELY TO ENGAGE IN THE PREDATOR ACTS OF SEXUAL VIOLENCE. KANSAS V. HENDRICKS PAGE 2080 AND YOUR UNITED STATES SUPREME COURTS LAW. IT REQUIRES EVIDENCE OF A PRESENT MENTAL CONDITION. KANSAS V. HENDRICKS PAGE 2080

INVOLUNTARY CIVIL CONFINEMENT IS LIMITED TO THOSE WHO SUFFER FROM A VOLITIONAL IMPAIRMENT RENDERING THEM DANGEROUS BEYOND THEIR CONTROL. KANSAS V. HENDRICKS PAGE 2075

THE DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS FIFTH EDITION (DSM5) AND DSM5 TASK FORCE HAS RECENTLY REJECTED THE PROPOSAL TO INCLUDE COERCIVE PARAPHILIA AS AN OFFICIAL DIAGNOSIS REAFFIRMING THAT RAPE IS A CRIME NOT A MENTAL DISORDER. SEE EXHIBIT (1B) PROFESSOR FRANCES AND RICHARD WOLLERT PH.D PUBLICATION TITLED: SEXUAL SADISMECT, ON FIRST PAGE INCLUDED WITH THIS WRIT OF CERTIORARI.

OTHER

PROFESSOR DR. ALLEN FRANCES SWORN 10 PAGE SIGNED DECLARATION EXHIBIT (1) WHICH IS INCLUDED WITH THIS WRIT OF CERTIORARI CONFIRMS RAPE IS A CRIME AS STATED BY THE DSM5.

AND EXHIBIT (2) PROFESSOR DR. ALLEN FRANCES PUBLICATION WHICH PROVES AND IS TITLED: THE DSM5 CONFIRMS RAPE IS A CRIME NOT A MENTAL DISORDER EXHIBIT (2) IS INCLUDED WITH THIS WRIT OF CERTIORARI.

THE INSTANT CASE WAS PROSECUTED IN VIOLATION OF FLORIDA'S STATUTE OF LIMITATIONS 95.11 WHICH IS EXHIBIT DISCHARGE.

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4, 5, 6, 7, 8
REASONS FOR GRANTING THE WRIT	9, 10, 11, 12, 13, 14,
CONCLUSION.....	15
PROOF OF SERVICE	16

INDEX TO APPENDICES

APPENDIX A	THE OPINION OF THE UNITED STATES COURT OF APPEALS
APPENDIX B	ORDER DENYING REHEARING, UNITED STATES COURT OF APPEALS
APPENDIX C	THE OPINION OF THE UNITED STATES DISTRICT COURT
APPENDIX D	ACCEPTING REPORT AND RECOMMENDATION UNITED STATES DISTRICT COURT
APPENDIX E	I REQUESTED AN EXTENSION OF TIME WITH YOUR COURT ON 9/22/2020 14 DAYS BEFORE THE 90 DAYS WERE UP SEE LETTER TO YOUR COURT ON 9/22/2020 APPENDIX (E)
APPENDIX F	

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

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix (A) to the petition and is *APPENDIX (B) OPINION DENIING REHEARING*

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix (C) to the petition and is *APPENDIX (D) ORDER ACCEPTING REPORT AND RECOMMENDATION*

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

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

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ 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,
☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 8/13/2020.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 9/22/2020, and 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. § 1254(1).
AN EXTENSION OF TIME TO FILE THE PETITION FOR A WRIT OF CERTIORARI WAS REQUESTED ON 12-6-2020 BY MOTION FOR RECONSIDERATION IN THE 11TH CIRCUIT UNITED STATES COURT OF APPEALS WAS DENIED ON 9/22/2020 14 DAYS BEFORE THE 90 DAYS WERE UP I REQUESTED AN EXTENSION WITH YOUR COURT SEE LETTER I SENT YOUR COURT SEE APPENDIX (E)

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ 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

THE DEFENDANTS HAVE INTENTIONALLY AND MALICIOUSLY DEPRIVED MR FETZER OF HIS CONSTITUTIONAL RIGHT TO LIBERTY.

MR FETZER HAS BEEN FALSELY IMPRISONED FOR OVER 10 YEARS IN VIOLATION OF HIS 14TH AMENDMENT TO DUE PROCESS TO THE UNITED STATES CONSTITUTION.

THE DEFENDANTS VIOLATED MR FETZER'S 4TH AMENDMENT TO THE UNITED STATES CONSTITUTION

MR FETZER HAS HAD HIS 14TH AND 8TH AMENDMENT TO CRUEL AND UNUSUAL PUNISHMENT VIOLATED BEING FALSELY IMPRISONED AND HELD AGAINST HIS WILL FOR OVER 10 YEARS.

MR FETZER'S 5TH AMENDMENT TO THE UNITED STATES CONSTITUTION WAS VIOLATED.

THE INSTANT CASE WAS PROSECUTED IN VIOLATION OF FLORIDA STATUTE 95.11 WHICH IS EXHIBIT (DISCHARGE) WHICH IS INCLUDED WITH THIS WRIT OF CERTIORARI

CHAD POPPEL THE SECRETARY OF THE FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES AND THE STATE OF FLORIDA WAS STATUTORILY BARRIED FROM PROSECUTING THE PETITION FOR INVOLUNTARY CIVIL COMMITMENT BY SECTION 95.11 SUBSECTION (1) FLORIDA STATUTES ART. 1, 9 AND 10 FLA. CONST AS WELL AS THE FEDERAL CONSTITUTION.

ALSO SEE THE EVIDENCE Professor Allen Frances On The First Page
Second Paragraph To His 10 Page Declaration Which Is Exhibit (1)
Which Is Included With This Writ Of Certiorari.

Professor Dr. Allen Frances On The Second Page Of Exhibit (1)
Under Executive Summary In His Sworn Declaration Of Exhibit (1)

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Explicitly Rejected As Grounds For Mental Disorder- By D.S.M. 111
In 1980, By D.S.M.111R In 1987, Again By D.S.M. IV In 1984, And
Recently By D.S.M. 5.

It Has Been The Long Standing And Consistent Policy Of
"All The Successive Manuals Of Psychiatric Diagnosis To Regard Rape"
"As A Crime Not As A Mental Disorder"!

D.S.M. Deliberately Choses Not To Mention Rape Among The
Numerous Examples Used To Illustrate Other Specified Paraphilia----
Trying To Prevent It From Finding The Back Door Into The System And
Similar Usages Other Specified Paraphilia/ Paraphilia Nos,
Non Consent In Other Cases). Proves That Some Evaluators Continue
To Misunderstand And Misuse The D.S.M. In SVP Cases.

THE Diagnosis Of Other Specified Paraphilia/Paraphilia Nos, Non
Consent "Has No" Official Standing Cannot Possibly Be Made Reliably
And There Fore "Has No Place" In Forensic Proceedings.

Professor Dr. Allen Frances Who Was The Professor Emeritus Of
Psychiatry And Behavioral Sciences At Duke University See His
Credentials On The First Page Of Exhibit (1) Professor Frances Also
Was Involved In Writing The D.S.M. 5.

In Addition MR FETZER At The Time This Alleged Rape Happened 28 Years Ago MR FETZER Was Cleared From Not Having No Mental Abnormality And No Mental Illness, In August 30,1983 Dr. James William Of Bridge Water State Hospital In Massachusetts Evaluated MR FETZER And Dr. William

STATED : MR FETZER Does Not Suffer From Any Major Mental Illness

And In September 30, 1985 When Ph. D Tae-Im Moon Evaluated MR FETZER At Bridge Water State Hospital In Massachusetts, And Dr. Moon

STATED : MR FETZER Does Not Suffer From Symptomatology Of A Major Mental Illness See Exhibit (5) Order Of The Court For Examination As To Competence. And See Exhibit (6) Results Of Examination By Williams And Moon

STATEING : MR FETZER Does Not Suffer From Any Major Mental Illness.

REASONS FOR GRANTING THE PETITION

MR FETZER Has Filed All Kinds Of Habeas Corpuses To All The State Courts And All The Federal Courts Including The United States Court Of Appeals For The 11th Circuit Which Were Refused To Be Heard And Refused To Be Heard On The Merits MR FETZER Has Filed Every Legal Action He Was Able To File Which Were Refused To Be Heard.

MR FETZER Has A Constitutional Right To Get Justice In His Case. And MR FETZER Has A Constitutional Right For The Ends Of Justice To Be Met!"

And I Respectfully Ask Your Honorable United States Supreme Court To Grant This Petition Because You Are The Only Chance I Have To Get Justice And To Have The Ends Of Justice Met And I Respectfully Ask Your Honorable United States Supreme Court To Hear The Facts.

And MR FETZER Is Being Falsely Imprisoned And MR FETZER Has Ben Falsely Imprisoned For Over 10 Years And MR FETZER Has Ben Unconstitutionally Deprived Of His Constitutional Right To Liberty

The Facts Are Below And In The Following Pages :

Chad Poppel The Secretary Of The Florida Department Of Children And Families' And The Florida Department Of Children And Families' When MR FETZERS Criminal Sentence That Had Nothing To Do With Sex Completely Expired On March 27,2010 Chad Poppel The Secretary Of The Florida Department Of Children And Families And The Florida Department Of Children And Families' Intentionally And Maliciously Lied That MR FETZERS Alleged Rape From 1983 Which Is Exhibit (3) Was A Mental Abnormality And Mental Disorder **"When It's Not"** **"It's a Crime"** **"And The Evidence Proves It's a Crime!"**

MR FETZER AFTER Being Refused To Be Heard In All The Courts On His Habeas Corpuses On The Facts And Merits MR FETZER Filed A 1983 Complaint In The United States District Court For The Northern District Of Florida On October 2,2019 Against Chad Poppel The Secretary Of The Florida Department Of Children And Families And The Florida Department Of Children And Families That They Had Intentionally And Maliciously Lied That MR FETZERS Alleged Rape From 1983 Was A Mental Abnormality And Or A Mental Disorder

"When It's Not" "It's A Crime!"

And MR FETZER Does Not Have a Mental Abnormality, And MR FETZER Doesn't Have A Mental Disorder And MR FETZER Doesn't Have Any Mental Illness , And MR FETZER Is Dangerous To No One

Solely Due To Chad Poppel The Secretary Of The Florida Department Of Children And Families' And The Department Of Children And Families' Intentionally And Maliciously Inventing And Fabricating False Evidence Deliberately Lying That Rape Is A Mental Disorder And A Mental Abnormality **"When It's Not" "It's A Crime!"** They Falsely Imprisoned MR FETZER And MR FETZERS Ben Falsely Imprisoned For Over 10 Years And They Unconstitutionally Deprived MR FETZER Of His Constitutional Right To Liberty.

And **"The Evidence Is Overwhelming And Proves" "Rape Is A Crime!"**

"Not A Mental Abnormality" "Or A Mental Disorder!"

The Evidence See Exhibit (1) Professor Frances 10 Page Sworn Declaration Which Is Included With This Writ Of Certiorari And See Exhibit (2) Professor Frances Publication

Titled : D.S.M 5 Confirms Rape Is A Crime Not A Mental Disorder

Exhibit (2) Is Also Included With This Writ Of Certiorari.

Also See Exhibit (1B) Professor Allen Frances MD And Richard Wollert, PhD Publication From The Journal Of The American Academy Of Psychiatry And The Law. (Analysis And Commentary)

TITLED :Sexual Sadism : Avoiding It's Misuse In Sexually Violent Predator Evaluations.

On The First Page In The First Paragraph Right Under Allen Frances And Richard Wolleats Name On The First Page

STATES : The Diagnostic And Statistical Manual Of Mental Disorders Fifth Edition D.S.M-5 And (D.S.M.5) Task Force Has Recently Rejected The Proposal To Include Coercive Paraphilia As An Official Diagnosis, "Reaffirming That Rape Is A Crime" "And Not A Mental Disorder!"

We Hope This Will Discourage What Has Been The In Appropriate Practice Of Giving Rapists The Made-Up Diagnosis Of Paraphilia Nos, Non Consent To Facilitate Their Psychiatric Commitment Under Sexually Violent Predator SVP Statutes.

And See The D.S.M. 5 Which Proves Rape Is A Crime.

And MR FETZER On July 22,2020 Appealed This 1983 Complaint To The United States 11th Circuit Court Of Appeals. In Petitioners Petition To The 11th Circuit Court Of Appeals Which Is Exhibit (1A) Which Is Included With This Writ Of Certiorari, And As In Donaldson's 1983 Complaint MR FETZER Moved The 11th Circuit Court For In addition To His 1983 MR FETZER Requested Habeas Corpus Relief In His 1983 Complaint As Donaldson Requesting Habeas Corpus Relief To Be Discharged Along With His 1983 Complaint Of Being Held Against His

Will Of Donaldson Stating How They Intentionally And Maliciously Deprived Him Of His Constitutional Right To Liberty, With Donaldson Claiming That He Was Not Mentally Ill, And Was Not Dangerous To No One. Exactly Like MR FETZER Being Intentionally And Maliciously Deprived Of MR FETZERS Constitutional Right To Liberty See O'connor V. Donaldson 95 S.C.T. 2486 See Page 2488 And See 2500 (FN.1)

The Defendants Chad Poppel Secretary Of The Florida Department Of Children And Families' And The Florida Department Of Children And Families' Intentionally And Maliciously Deprived MR FETZER Of His Constitutional Right To Liberty By Intentionally And Maliciously Lying And Fabricated False Evidence That Rape Is A Mental Disorder And A Mental Abnormality "When It's Not It's A Crime!"

And The Evidence Proves Rape Is A Crime And The Defendants Fabricated And Invented False Evidence Of A False Diagnosis Of Nos Unspecified Against MR FETZER To Intentionally And Maliciously Deprived MR FETZER Of His Constitutional Right To Liberty And To Falsely Imprison MR FETZER Unconstitutionally And Unlawfully For The Rest Of His Life Out Of Retribution Against MR FETZER To solely Extend MR FETZERS Prison Sentence.

This Civil System Is Being Used In Florida To Impose Punishment Against MR FETZER And Is Being Used For Retribution Against MR FETZER.

In Your Honorable Courts Precedent Kansas V.Hendricks 117 S.C.T. 2072 521 U.S. 346(Kan 1997)On Page2087 Justice Kennedy Concurring At 373

Holds : If However The Civil Statute Doesn't Conform To Our Precedents **If However, Civil Confinement Were To Become A Mechanism For Retribution Or General Deterrence Or If It Were**

Shown That Mental Abnormality Is Too Imprecise A Category To Offer A Solid Basis For Concluding That Civil Detention Is Justified Our Precedents Would Not Suffice To Validate It.

"In MR FETZERS Case It Has Become A Mechanism For Retribution ! Chad Poppel The Secretary Of The Florida Department Of Children And Families' And The Florida' Department Of Children And Families' How They Intentionally And Maliciously Lied And Intentionally And Maliciously Misused Mental Abnormality To Lie Against MR FETZERS Alleged Rape When The Evidence Overwhelming "Proves It's A Crime" And How They Fabricated False Evidence Of A False Diagnosis

"It Has Become A Mechanism For Retribution And In MR FETZERS Case It Shows And Proves That The Mental Abnormality Is Too Imprecise A Category To Offer A Solid Basis For Concluding That Civil Detention Is Justified For MR FETZER And Civil Detention Is Intentionally And Maliciously Being Used For Punishment Against MR FETZER And Should Be Found Unconstitutional.

Also In Your Honorable Courts Holding In Manual V. City Of Joliet ILLINOIS Supra 137 S.C.T. 911 (U.S.2017)
Your United States Supreme Court On Page 917

Holds: [3](The Fourth Amendment Protects [T]he Right Of The People To Be Secure In Their Persons Against Unreasonable...Seizures" And

Holds : (A" Person Is Seized "Whenever Officials "Restrain His Freedom Of Movement" Such That He Is Not Free To Leave)"

And MR FETZER Was Not Free To Leave Prison When His Prison Sentence Completely Expired Due Entirely To This Fabricated Evidence That Rape Is A Mental Disorder And It's Not A Mental Disorder Or A

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

DANIEL FETZER

Date: 2-17-2021