

IN THE 20-7942

SUPREME COURT OF THE UNITED STATES

Mr. Darryl C. Daniels # 17670 - PETITIONER
(Your Name)

VS.

ORIGINAL

STATE OF FLORIDA et.al - RESPONDENTS

ON PETITION FOR A WRIT OF CERTIORARI TO

THE SUPREME COURT OF FLORIDA SC21-166

(NAME OF COURT THAT RULED ON MERITS OF
YOUR CASE)

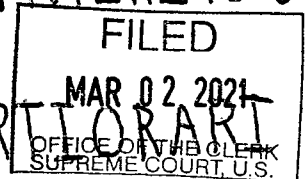
PETITION FOR WRIT OF CERTIORARI

DARRYL C. DANIELS # 17670
(Your Name)

DESOTO COUNTY JAIL - 208 EAST CYPRESS ST.
(Address)

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

?
(Phone Number)



QUESTIONS PRESENTED

(1) How can FLORIDA STATUTE 394.910 (The Involuntary Civil Commitment of Sexually Violent Predators Act) (i.e. hereinafter The Act) be considered "constitutional" when it has deprived persons of "fair notice" and "fair warning"; when legislative Acts are required to give "fair warning"?

(2) How can Legislators claim that The Act protects the free public from persons of whom Authorities continue to maintain are sexually dangerous persons; when this Act is not within all fifty states of The United States?

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 judgement is the subject of this petition are listed herein as follows:

The Florida Civil Commitment Center, c.i.e. hereinafter (F.C.C.C.) (and persons mentioned herein from F.C.C.C.), Department of Children and Families, c.i.e. hereinafter DCF), Florida Department of Corrections, c.i.e. hereinafter F.D.O.C.), Desoto County Jail/ Sheriff's Office c.i.e. and persons of said County Jail mentioned herein).

RELATED CASES

1. I filed my "Committee's Motion for Post Involuntary Civil Commitment Relief" to the Florida Second District Court of Appeals c.i.e. in Polk County/Lakeland, Florida) in which said Court c.i.e. mentioned herein) treated as a Petition For Writ of Habeas Corpus, only to deny my said writ/petition on January 13, 2021. c.i.e. containing Case No. 2020-3490 and Lower Tribunal Nos(s): 20-CF-1150, 2004-CA-2980, 2-CF-403, 20-CF-551, 20-CF-1230, 20-CA-124.

2. I then later filed an Application for Review to the Florida Supreme Court which they also dismissed, on Thursday February 4, 2021 which I received as incoming legal mail on the night of Tuesday February 9, 2021. c.i.e. containing CASE NO. 50100 and Lower Tribunal Case Nos(s): 2020-3490, 2004-CA-2980, 142020CF000551AX/MA, 20-CF-1150, 20-CF-1230, 20-CF-323, 2-CF-403, 142020CA000124 CAAXMA) ^{→ 21-166}

LIST OF PARTIES (c.i.e. continued)

Florida Civil Commitment Center (Security Captain / Director) John Paul Carner; Dr. Emily Rose Salema (Case Management Team Director, CFNU), Captain Mr. Payne; Desoto County Jail/ Sheriff's Office/ County of Desoto; The Honorable Donald Thomas Hall c.i.e. Desoto County Court house Judge), ~~Wendy Williams~~ Wendy Williams; (Nurse); Mrs. Manuela Hiscock (Corporal);

LIST OF PARTIES (i.e. continued)

1. Mrs. Cheri Caudill, Sergeant along with a certain amount of other Desoto County Jail / Sheriff's Office Officials)

The Desoto County Jail Officials have brazenly informed me that they will not make additional copies of any of my court documents or judgement orders, or legal documents that I have filed and continue to file, which they are doing this clearly to sabotage any kind of redressability from this Court. I know that I will continue to suffer even more irreparable harm and injury from persons mentioned herein, unless this Court grants my Petition for Writ of Certiorari, and relief requested herein. The Certain said Desoto County Jail Officials have even taken certain things out of my incoming legal mail, (i.e. and most likely outgoing legal mail)

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APPENDIX A: Enlisted is a copy of an order of judgement regarding The Florida Second District Court of Appeals (i.e. in Polk County, Lakeland, Florida) denial of my "Committee's Motion for Post Involuntary Civil Commitment Relief" / Petition for Writ of Habeas Corpus dated on January 13, 2021. (i.e. containing CASE NO. 2D20-3490 and Lower Tribunal Case Nos. 20-CF-1150, 2004-CA-2980, 2-CF-403, 20-CF-551, 20-CF-1230, 20-CA-124)

APPENDIX C: Enlisted is a ^{Reinstatement} copy of a judgement order of The Florida Supreme Court's dismissal of my Application for Review dated on Thursday February 4, 2021. (i.e. containing CASE NO. SC 21-166 and Lower Tribunal Case Nos. 2D20-3490, 2004-CA-2980, 1420 SOCF000551AXMA, 20-CF-1150, 20-CF-1230, 20-CF-323, 2-CF-403, 1420 20CA000124CAAXMA) Said State Supreme Court also informed me that they would not entertain any Motions for Reconsideration or ~~Reconsideration~~ regarding said case nos. CASE NO. mentioned herein paragraph.

CASES TABLE OF AUTHORITIES CITED

WEAVER v. GRAHAM, 450 U.S. 24, 28-29, 30, 101 S.Ct. 960, 67 L.Ed. 2d 17 (1981), PAGE NUMBER 10

STATUTES AND RULES

787.01 (KIDNAPPING), 787.02 (FALSE IMPRISONMENT) 4^{and 5}
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~~FLORIDA RULES OF CRIMINAL PROCEDURE 3.172 (c)(9) at 12:
Ola.m., on 10 October 2005, PAGE NUMBER 5~~

OTHER

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FLORIDA CONSTITUTION ARTICLE I SECTION 10 (ATTAINDER BILLS AND EX-POST FACTO LAWS PROHIBITION), PAGE NUMBER 4

FLORIDA CONSTITUTION ^{PART. SEC. 12} ARTICLE I SECTION 12 (PERSONS' RIGHT TO BE FREE IN THEIR PERSONS AGAINST (FROM) UNREASONABLE SEARCHES AND SEIZURES), PAGE NUMBER 4

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FLORIDA STATUTE 394.910 PAGE NUMBER 5

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 judgement below.

OPINIONS BELOW

☐ For cases from federal courts:

The opinion of the UNITED STATES court of appeals 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 UNITED STATES district court appears at Appendix to the petition and is

☐ reported at
☐ 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 C to the petition and is denied.

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

The opinion of the Florida Second District Court of Appeals Court appears at Appendix A to the petition and is denied.

OPINIONS BELOW (continued)

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

JURISDICTION

☐ For cases from federal ~~courts~~ courts:

The date on which the United States Court of Appeals decided my case was

☐ 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: 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. § 1254(C).

☐ For cases from state courts:

The date on which the highest state court decided my case was Thurs. Feb. 4, 2021. A copy of that decision appears at Appendix IX C.

☒ A timely petition for rehearing was thereafter denied on ~~the~~ the following date: Thurs. Feb. 4, 2021, 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(c).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- (A) ARTICLE I SECTION 9 CL 3, and 10 CL 1 (ATTAINDER BILL AND EX-POST FACTO LAWS PROHIBITION)
- (B) U.S.C.A. CONST. AMEND. FOUR (PERSONS' RIGHT TO BE FREE IN THEIR PERSONS' FROM UNREASONABLE SEARCHES AND SEIZURES)
- (C) U.S.C.A. CONST. AMEND. FIVE (PERSONS' RIGHT TO BE FREE FROM BEING TWICE PUT IN JEOPARDY FOR THE SAME OFFENSE)
- (D) U.S.C.A. CONST. AMEND. EIGHT (PERSONS' RIGHT TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT)
- (E) U.S.C.A. CONST. AMEND. FOURTEEN (LAW DUE PROCESS/ FUNDAMENTAL FAIRNESS AND EQUAL PROTECTION/ TREATMENT PROVISIONS)
- (F) FLORIDA CONSTITUTION ARTICLE I SECTION 9 (PERSONS' RIGHT TO NOT BE LIBERTY DEPRIVED WITHOUT LAW DUE PROCESS/ FUNDAMENTAL FAIRNESS/ PERSONS' RIGHT TO BE FREE FROM BEING TWICE PUT IN JEOPARDY FOR SAME OFFENSE/ PERSONS' RIGHT TO BE ~~PROTECTED~~ PROTECTED AGAINST MULTIPLE PUNISHMENTS FOR THE SAME OFFENSE)
- (G) FLORIDA CONSTITUTION ARTICLE I SECTION 10 (ATTAINDER BILLS AND EX-POST FACTO LAWS PROHIBITION)
- (H) FLORIDA CONSTITUTION ARTICLE I SECTION 12 (PERSONS' RIGHT TO BE FREE ~~IN~~ IN THEIR PERSONS' FROM UNREASONABLE SEARCHES AND SEIZURES)
- (I) FLORIDA CONSTITUTION ARTICLE I SECTION 17 (PERSONS' RIGHT TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT)
- (J). 787.01 (KIDNAPPING)

CONSTITUTIONAL AND STATUTORY PROVISIONS (continued)

(K). 782.02 (FALSE IMPRISONMENT)

(L). FLORIDA RULES OF CRIMINAL PROCEDURE RULE 3.172
(cc) (9) of which became effective on 12:01 a.m., on 1 October
(2005)

(E). FLORIDA STATUTE 394.910 (The Involuntary Civil Commitment of Sexually Violent Predators Act)

(F). INTERNATIONAL LAW

(G). HUMAN RIGHTS

STATEMENT OF THE CASE

There is nothing in the United States Constitution about the Involuntary Civil Commitment of Sexually Violent Predators. There is nowhere in The United States Constitution that says/states that The Involuntary Civil Commitment of Sexually Violent Predators Act c.i.e. containing FLORIDA STATUTE 394.9101 is constitutional or legal. for it is stated in Article 9 of The United States Constitution c.i.e. under The Universal Declaration of Human Rights (Section) that "No one shall be subjected to arbitrary arrest, detention or exile." An involuntarily civilly committing persons who have been deemed by legislators, state attorneys, judges, jurors/juries, psychologists, and other governmental authorities as "sexually violent predators" and placing them in a "facility" until the "people in society" say they are no longer a danger to the public" is clearly arbitrary, vindictive, egregious, and conscience shocking. Because having an unbiased view of persons who have been deemed as sexually violent predators will never be a factual thing, by the public. Because it is the public's opinion c.i.e. that often at times that has been persuaded by the Authorities mentioned herein to declare us as being sexually violent predators no longer fit to live in society. When I was placed in a white van by Florida Department of Corrections c.i.e. hereinafter F.D.O.C.) Officers and taken to the Florida Civil Commitment Center c.i.e. hereinafter F.C.C.C.) that constituted "KIDNAPPING" (C.S.E.E 787.01), and when I was placed within The F.C.C.C., that constituted "FALSE IMPRISONMENT" (C.S.E.E 787.02). Because the trial court of Polk County, Bartow, Florida ~~never~~ never properly informed me that I would be evaluated by a multi-disciplinary team or taken to the F.C.C.C. when the trial court of Polk County, Bartow, Florida; convicted and sentenced to The Florida Department of Corrections back in 2004 c.i.e. hereinafter F.D.O.C.) When I am clearly aware of the fact that every defendant is supposed to receive fair notice. And that legislative Acts are supposed to give "fair notice." And in 2005, all the Florida Legislators, and other Florida governmental Authorities all got together to enact, amend and effectuate FLORIDA RULES OF CRIMINAL PROCEDURE RULE 3.172 cc)(9) clearly constituting the fair notice/warning requirement, which became effective by the way on the 1st of October 2005 at 12:01 a.m. Since I've been involuntarily civilly committed under The Involuntary Civil Commitment of Sexually Violent Predators Act c.i.e. hereinafter The Act) F.C.C.C. Staff members

STATEMENT OF THE CASE c/e. continued
have filed outside criminal charges on me. In which I was placed
in the Desoto County Jail; c/e. located herein Arcadia Florida) and
suffered irreparable harm and injury by Desoto County Jail inmates
and certain said Desoto County Jail Officials due to me having the
sexually violent predator label. I was convicted by the Twelfth Judi-
cial Circuit Court of Florida c/e. also herein Arcadia Florida) and
sentenced to the F.D.O.C. c/e. by said trial court) in which I suffered
more irreparable harm and injury by said F.D.O.C. Officials, and F.D.O.C.
prisoners for having the sexually violent predator label. c/e. only
to be kidnapped all over again and to be taken back to the F.C.C.C.
when my F.D.O.C. sentences were completed; c/e. during the
periods of February 2010 to August 2010 the first time; between the
period of August 2015 to August 13, 2018 the second time around) F.C.C.C.
have filed more outside criminal charges upon me and placed me
in the Desoto County Jail on the day/date of Friday June 14, 2019
where I still remain to this very day as I write down this factual
information regarding my continuous mistreatment and abusiveness
that I continue to suffer while being unlawfully detained under the
Act, c/e. I continue to suffer same irreparable harm and injury
while within this Desoto County Jail once again; in which said
certain Desoto County Jail members have finally placed me on pro-
tective custody, within a cell room by myself, around humane
conditions after numerous requests for them to do so)

I have been unlawfully detained under The Act since July
2004 c/e. at a young age) and still remain unlawfully detained under The
Act) c/e. now at the age of 45 years) in where most of my livelihood
has been spent behind these walls, of a prison that is titled The Florida
Civil Commitment Center c/e. hereinafter F.C.C.C.) in where I have also
been threatened with bodily harm by certain officers there; forced to
take ~~and~~ sex offender treatment, ~~which~~ c/e. by said trial Court) state
attorney mentioned supra placing me ~~in~~ on three years probation man-
dating me to take and complete sexual offender treatment while on
probation back on February 2010) placed on grievance restriction,
being almost sexually assaulted, destruction of personal property; destruc-
tion of legal materials; and other forms of irreparable harm and inj-
ury.

C STATEMENT OF THE CASE continued

I've been unable to live an enjoyable life as a free person in society; I haven't been able to get married, have a family, i.e. including the family members that I do have) grow up. I've lost close family members i.e. my father Herman Daniels back on July 2020 and tested positive for COVID-19 as my false imprisonment under This Act continues. I doubt if I will ever be able to enjoy intimacy with a woman ever again due to me being unlawfully detained under This Act.

If an expert opinion of ^{about} a certain class of criminals can involuntarily civilly imprison them, i.e. possibly for their lives, remainder then what's the point of having a United States Constitution? Because governmental Authorities are going to maintain that this particular class of criminals i.e. including myself are currently extremely dangerous only to ~~be~~ free people sexually violent predators; by continuing to use disciplinary reports, false disciplinary reports, and false reportage regarding involuntarily civilly imprisoned prisoners/victims to continue to involuntarily civilly imprison them; within a/the titled The Florida Civil Commitment Center,

Had the trial court/state given me fair notice/warning ^{fair} that I would be evaluated by multi-disciplinary team members for The Act and taken to the F.C.C.C. while in trial court back on 2004, I would have never entered my plea and would have instead went to trial and possibly been acquitted of violent sex crimes commissions charges.

The Florida legislation's Act is also applied retrospectively. For it clearly left all those who entered negotiated guilty and nolo contendere pleas all in the dark by Tribunals of Power not giving them fair notice and fair warning that they would be evaluated/inter-viewed by multi-disciplinary team members and taken to the F.C.C.C. prior to the passing of Florida Rules of Criminal Procedure Rule 3.172(c)(9) i.e. of which became effective on October 1, 2005 at 12:01 a.m.) clearly raising an ex-post facto clause/Attainder Bill issue, ART. I, SEC. 10. CL. 1.

I'm not using that much precedent within this petition for writ of certiorari because (1). I'm being deprived of proper adequate, meaningful, and effective access to the courts i.e. even though I have chosen to remain a pro se litigant/applicant and (2). I wish

for the facts that I have explained within this "state of the case" section to speak for themselves. c.e. ~~Benny~~ STATEMENT OF THE CASE continued from page #7

REASONS FOR GRANTING THE PETITION

The reasons why this Court should grant the Petition is:

1. The Act is retrospectively applied. SEE *WEAVER v. GRAHAM*, 450 U.S. at 29, 101 S.Ct. at 964, 67 L.Ed.2d 17 (1981) ("To fall within the ex post facto prohibition" "a law must be retrospective" - that is "it must disadvantage the offender affected by it")
2. The Act is "arbitrary and vindictive." SEE *WEAVER v. GRAHAM*, 450 U.S. 24, 28-29, 30, 101 S.Ct. 960, 67 L.Ed.2d 17 (1981) ("The United States Supreme Court held in *WEAVER v. GRAHAM* regarding the connection between the fair notice/fair warning requirement and the Ex Post facto Clause [repeatedly] is that it furthers two important purposes. (1) to assure legislative Acts give "fair warning". (2) restricts governmental power by restraining "arbitrary and vindictive legislation".
3. The Act has deprived similarly situated persons of the "fair warning" i.e. similarly situated persons of whom Authorities maintain are currently extremely dangerous only to free people sexually violent predators whom are involuntarily civilly imprisoned under The Act within a prison titled The F.C.C.C.) SEE *WEAVER v. GRAHAM*, 450 U.S. 24, 28-29, 101 S.Ct. 960, 67 L.Ed.2d 17 (1981) ("Where the Defendant is being deprived of the fair warning")
4. This Act also involuntarily civilly imprisons said similarly situated persons also known as involuntarily civilly imprisoned prisoners/victims within a prison titled The F.C.C.C. constituting "KIDNAPPING" (787.01) and "FALSE IMPRISONMENT" (787.02)
5. Before The Act i.e. FLORIDA STATUTE 394.9101 was enacted and became effective in 1999, persons of whom were in The Florida Department of Corrections, i.e. hereinafter F.D.O.C.) that were convicted by courts for violent sex crimes commissions charges; and sexually motivated crimes commissions charges and sentenced by courts to F.D.O.C., Florida Legislators retrospectively applied The Act to said persons (i.e. mentioned herein) and said persons were not given fair notice/fair warning that they would fall under This Act and be placed in The F.C.C.C.

REASONS FOR GRANTING THE PETITION (continued)

6. And persons of whom were also convicted of violent sex crimes commissions charges and sexually motivated crimes commissions charges (i.e. herein Florida) and sentenced to F.D.O.C. by courts after The Act became effective; were still deprived of fair notice / fair warning by courts (i.e. herein Florida) (i.e. that they would fall under The Act [FLORIDA STATUTE 394.910] and would be placed in The F.C.C.C., possibly for their lives' remainder) due to the fact that The Florida Rules of Criminal Procedure Rule 3.172 cc) (9) had not become effective until October 1, 2005 at 12:01 a.m.

7. Making persons of whom have been (i.e. and still remain) within The F.C.C.C. involuntarily civilly imprisoned under The Act; in addition to being involuntarily civilly imprisoned prisoners/victims unlawfully detained under The Act within The F.C.C.C. for this Act, is clearly "arbitrary and vindictive" legislation.

8. This Act conflicts with The United States Supreme Court's ruling in WEAVER v. GRAHAM, 450 U.S. 24, 28-29, 30, 101 S.Ct. 960, 67 L.Ed. 2d 17 (1981), (1) "legislative Acts must give fair warning", (2) "restricts governmental power by restraining 'arbitrary and vindictive legislation'"

(i.e. my Memorandum of Law in support of this Petition for Writ of Certiorari will also be mailed to this Court)

(i.e. for This Court to reverse, The Florida Supreme Court's ruling/decision; immediately containing case no. SC21-166, and to ~~release~~ dismiss all current pending criminal cases against me: containing case nos. 2004CA2980, 142020CF000-AXIMA, 20-CF-1150, 20-CF-1230, 20-CF-323, 2-CF-403, 142020CA0001-24CAAXIMA, and to immediately ~~release~~ release me and other similarly situated persons/involuntarily civilly imprisoned prisoners/victims from unlawful detention under The Act; and to dismiss, abolish, and eliminate The Act)

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully Submitted,

Darryl & Daniels #17670

Date: February 23, 2021