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Supreme Court, U.S.
FILED

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No. _____

IN THE

Supreme Court of the United States

THOMAS L. FAST.

Petitioner,

v.

UNITED STATES MIDDLE DISTRICT COURT, TAMPA DIVISION, FLORIDA;
AND

ELEVENTH CIRCUIT COURT OF APPEAL, ATLANTA, GEORGIA,
Respondents.

PETITION FOR WRIT OF CERTIORARI

Thomas L. Fast
DC# 818015 Rm. A1105L
Martin Correctional Institution
1150 SW Allapattah Road
Indiantown, FL 34956

ORIGINAL

QUESTIONS PRESENTED

- 1) Was appellate court's orders supporting lower court's decision's conflict with Supreme Court and appellate court's holdings violate Petitioner (former?) Federal officer, structural due process rights in this Cold War fight?
- 2) Appellate court and district court have right to miss Petitioner actual-factual innocence claims manifesting extraordinary fundamental miscarriage of justice cause procedural defaults violate due process?

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Question One:

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**IN THE
SUPREME COURT OF THE UNITED STATES**

PETITION FOR WRIT OF CERTIORARI

Petitioner, Thomas L. Fast, respectfully prays that this most Honored Court will issue a writ of certiorari to review the United States Court's original jurisdiction rights and actual-factual innocence(s) facts and laws claims and the judgment and opinion of the Eleventh United States Court of Appeal, entered in the above proceeding December 7, 2020, and on February 5, 2021. 28 U.S.C. 2403(a), (b) may apply.

The Eleventh Circuit Court of Appeal and lower court's have entered decisions that departs from accepted and usual course of judicial procedure that calls for an exercise of this court's supervisory power. State courts have decided important questions of federal law that conflicts with relevant decisions of this court and other appellate court.

I. CITATIONS AND OPINIONS AND ORDERS IN CASE

Manatee County, Florida, case # 2007-CF-2989, docket summary sheet, state proceedings. Appx. Two;

Original judgment document, T-000243; United States Middle District Court, Tampa, FL Appx. A, on this Petition;

Direct appeal, *Fast v. Florida*, 69 So.2d 283 (2 Fl. DCA 2009) *per curiam* affirmed without written opinion. Appx. Two entry # 408;

United States Middle District Court, Tampa Division, Florida case # 8:17-cv-2670-T-60AEP reported orders. Appx. Five and Six.

Eleventh Circuit Court of Appeal, Atlanta, Georgia case # 18-11071-JJ (unpublished opinion). Appx. Seven and Eight.

II. JURISDICTIONAL STATEMENT

The judgment of the Eleventh United States Circuit Court of Appeals on rehearing was ordered on December 7, 2020, and on February 5, 2021. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1). See Appx. Eight.

III. CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Moved to Appendix One, pursuant to Supreme Court Rule 14(1).

IV. STATEMENT OF THE CASE

A. Significant Prearrest Circumstances

Petitioner, Dr. Thomas L. Fast, a Cold War injured (former?) Federal government aerospace engineer and astronaut, American Society of Mechanical Engineers 1981 engineer of the year awardee¹ whom took a bullet in the forehead intended for President Reagan, have past experienced United States national security cases. Congress and Supreme Court make decisions on these cases, not Fast' current State, 2254, case adversarial communist and "subsidiary

¹ ASME engineer of the year awardees have been Soviet GRU targeted. Most awardees have disappeared or died (neutralized).

organizations" (quoting Florida courts disregarded FL. R. 876) terrorist cells members in this covert Cold War fight gone overt.

Defense won at trial, but could not overcome daily tampered jury had former State Attorney Office secretary as foreperson. Appx. Two: attachment 5(5). See U.S.M.D.C. Court Appx. A. T-66L.3 to 10; T-146L. 1 to T-177. Trial was circus styled live "Court TV" television broadcast recorded. Fast's trial witnessed by foreign intelligence officers. Trial was a Soviet GRU – NKVD – KGB styled.

Aforementioned is substantiated on newly discoverable records, testimonials to be admitted by this court orders, following:

- (1) Case relevant actual-factual innocence, fundamental miscarriage of justice pleadings, complaints to U.S. House Intelligence Committee, Congress. That may have been published in "Federal register." Petitioner does not have access 50 U.S.C. 3024(i) records;
- (2) Complaints to Fast' National Security Council contact, White House, Washington, D.C.. 50 U.S.C. 3024(i) records;
- (3) Complaints to National Security Agency contact(s). 50 U.S.C. 3024(i) records;
- (4) Complaints to Federal Bureau of Investigation, Tampa-Maitland, FL, Atlanta, GA offices. Appx. U. Fast during this Cold War fight was FBI Tampa contact ordered not to neutralize anyone. Fast was compliant, in this fight against:

- a. Soviet GRU – NKVD – KGB;
- b. FARC: as known as “Jamiel Ramirez, the Jackal” and Georg Suarez, “mono buddy jo-joy” cell members include Mrs. “Smith”, a Fla. licensed criminal attorney, whom’s uncle murdered a former democracy seeking Columbian president, and claiming to be “Travis Fast” aunt;
- c. Peruvian Shining Path that are brutalizing Petitioner wife;
- d. Their (a)-(c) subversive “subsidiary organization’s” members;
- e. FBI 50 U.S.C. 3024(i) records on adversarial’s, State of Florida , and United States “MOB” infections of Manatee Co., Fla. judiciary, Fla. Department of Corrections and Fla’s government, e.g., Carol P. Cason, RPR doing business as “dancewear.” Appx. Eleven; see also App. U.

Fast, prior to this illegal 2007 arrest, with FBI Tampa’s telephonic permission, set up for drug enforcement administration officer’s neutralization “Jamiel Ramirez.” “Ramirez’s” legally trained cell members are retaliating against Fast. Appx. U.

Fast’s wife, Mrs. Nicole R.M. Fast, was GRU, Shining Path and FARC kidnapped in Sarasota, FL in December 1978, FBI counter-intelligence case. Labsite enslaved. This Sarasota, FL home and contents were seized by FARC and

Shining Path working with Manatee and Sarasota County Sheriff's Office and Earl Moreland, former Circuit 12 State Attorney, after FARC assaulted Dr. Fast in it and destroyed evidences of this assault. This assault occurred while Fast was on Federal leave, vacation, after Fast's congressional testimony concerning Columbia's Space Shuttle loss. Fast' current 2254 case, "Smith-Leese-'Fast'" adversaries were involved in this subversive action. The contents were released to MOB, that used contents to cause their acts of espionage and proliferation of illicit drugs. 50 U.S.C. 3024(i) records: Appx. U.

It is established Fast's state case adversarial terrorist organization's constantly neutralize their own people and commit suicide to avoid capture. Terrorists, not Petitioner Fast, neutralized their Soviet, G.R.U., Peruvian Shining Path, Columbian E.L.N./F.A.R.C., or Russian MOB (50 U.S.C. 3024(i) protected record's, Appx. U), Chameleon aka "Susan I. Fast" in this abhorrent Manatee County, Florida federally obstructed case. Fast never, not once, mutilated dead. However, Petitioner's adversaries have lengthy history of desecration including their cannibalizing their dead.

Tampa's FBI Fast contact(s) will testify that Fast actually won at trial. And, their office, Tampa United States Attorney office declined Fast' prosecution testified by prosecutor during sealed, May 15, 2008 *Nelson* hearing, infra...

FBI's – SSG condemned circuit 12, Sarasota, Fla. FBI and DIA offices in Congressional report recommending office closures.

Carrying concealed weapon arrest occurred, June 30, 2007 at approximately 3:15 AM, case # 2007-CF-2566, upon Manatee County Sheriff's Office deputy Matt Orville (oral) Wagner's initial contact with Fast. Fast immediately cell phone spoke with FBI day duty officer for advice. Fast was unaware, FBI Tampa contacts stated, MOB notified Manatee County Sheriff's Office of Fast' truck whereabouts causing planned adversarial capital crimes communist lawyers and cell members set up of Fast, that were and are GRU guided working with Manatee County sheriff deputies and "the jackals" cell. 50 U.S.C. 3024(i) records.

Detective Ricardo Alvarado, Colombian, interrogated and arrested Fast. Alvarado has been aiding known Shining Path and GRU-NKVD throughout this case. 50 U.S.C. 3024(i) records. Appx. U.

Fast was in state of exhaustion due to stress, lack of sleep and due to police abusiveness, duressments during this June 30, 2007 trial admitted edited, altered taped interrogation.

FBI duty officer told Fast to help this well known confused sheriff's office in their missing persons alert to Chameleon posing as Fast's stepmother. Appx. U FBI duty officer and other FBI discussing removing Fast from the sheriff's office custody.

Initial concealed weapon permit violation was false arrest, jailing on June 30, 2007. 50 U.S.C. 3024(i) records Appx. U. See Appx. Ten evidencing *nolle prosequi* after false murder, robbery convictions.

Fast decoded national crime information center report shows Fast's federal concealed weapon permit, GRU alert. See newly discovered by Fast LexisNexis report on January 2018 evidencing Fast held Florida concealed weapon permit on June 30, 2007 day. Appx. Ten.

Tampa, FBI office records show Fast's compromisation of GRU operated Sarasota, Fla. retail storefront that were manufacturing bombs, dealing crack cocaine, computer cellphone hacking. Compromisation caused life threatening reprisal's against Fast. 50 U.S.C. 3024(i) records.

Subversives chased Fast to Washington, D.C. then to Fort Bragg, North Carolina where military police on Fort Bragg made arrest's on Memorial Day week of 2007, prior to Fast's return to Florida and then this case arose. 50 U.S.C. 3024(i) records.

(5) Fast's FBI Maitland, Florida office contact, head of Florida's fugitive task force, remembered report on Fast's wife kidnapping. Records show Fast leaving a paper trail through FBI Tampa-Maitland-Washington, D.C. offices. Pre post-arrest complaints to FBI's Sarasota Office are Manatee County Sheriff's Office compromised.

This special agent records reflect United States Mail Fraud Act, et al, violation's by Fast' subversive 2254 adversarials. See Appx. Thirteen showing invoice from State Attorney's Office, for 900-plus infringed upon Fast' legal mailings, causing great harm. Appx. Twelve. See, attachment 3.

Mail infringements and subversive actions are retaliatory cause for false murder and false robbery convictions, illegal imprisonment.

(6)United States Army John F. Kennedy Institute for Military Assistance – special warfare operations on Fort Bragg, North Carolina have 50 U.S.C. 3024(i) records from 1978-1979 to present, evidencing Fast' 2254 adversaries were involved in Fast' wife 1978 kidnapping, labsite enslavement. Colonel Fast was officer in charge of this office during this period of time. Fast was temporarily licensed as a deputy U.S. Air Marshal during that time.

Fast's SWO records evidence a blown drug enforcement administration drug bust on current 2254 "Smith-Leese-Ryll – 'Fast'" adversarial's. 50 U.S.C. 3024(i) records. And, neutralization by Peruvian citizens of, aka, "Susan I. Fast", first husband in Peru a slaver, Russian MOB, "Roger Ryll" (spelling?).

Captain Fast, (former?) Federal officer (at this time listed as missing in action, as opposed to away without leave?) removed former Sarasota, Fla. Circuit 12 Sheriff Monge's Sarasota County Sheriff's Office main street office Soviet flag flying on its rooftop flag pole. Fast presented this flag to Governor Lawton Chiles.

Immediately prior to Fast's arrest, Fast' observation of "Callahan," Appx. A: T-000293 l. 1 to 10, T-000291 l. 17; known GRU and Forces Armed Revolutionary de Colombia, Soviet flag flying communist party rallies held in the open streets of Bradenton, Manatee County, Fla. causing life threatening reprisal's against Fast. Drug enforcement administration officers made bank robberies, murder arrests in Orlando, Fla. on some of "Callahan's" daughter(s) known GRU and MOB that continually failed in killing Petitioner Fast.

Subversive's communicate profusely and are extremely expeditious in law practice clearly working Florida's circuit 12. Exemplified in current abhorrent Manatee County originated 2254 case. 50 U.S.C. 3024(i) records. See Appx. U.

Pretrial judge "Janette Dunnigan" is GRU officer. Prior to Fast arrest in 2007 was involved in attempts on Fast's life and legal mail infringement's.

Appx. U Russian Dumas legalized assassinations in 2006. See Eleventh Circuit Court of Appeal records. "Callahan(s)" Manatee County Sheriff's Office partner "James Brinson" testified against Fast during grand jury proceeding introducing evidence's against Fast that were not trial admitted because there was no link to Fast to those evidences, see Deputy Brinson's deposition in State Attorney's records. Appx. U.

(7)Dr. Fast was compromised in 1978 by Shining Path MOB 2254 adversarial's. Appx. U. MOB replaced Fast' biological father, Bruce O. Fast and

third wife, Susan I. Fast with Chameleon's, notice plastic surgery scars. Appx. UU(a) page 4 line 33-34; 50 U.S.C. 3024(i) records; Appx. U. "Bruce O. Fast," State witness, testified to possessing robbery jewelry during Dr. Fast' jailing Appx. Twelve: Attachment Two.

Fast was compromised by Aldrich Ames and GRU officer FBI-SSG compromised in 1988, that was one of several Central Intelligence Agency deputy directors. 50 U.S.C. 3024(i) records. Appx. U.

Dictator "VLAD" Putin and General Mikhail Moiseyve failed at replacing Dr. Fast with Chameleon in 1988. Appx. U.

(8) Aforementioned State agents, and Fast' former Estes Model Rocket employees of Estes Park and Pimrose, Colorado are aiding Soviet GRU, FARC, Shining Path causing Fast' "walling off" (moot response's) from his federal employer and federal contacts. Fast, was fired from one Federal employer in 1982 due to Ames and that GRU officer arrested in 1988, after stopping bullet intended for President Reagan causing head injury, additional, post-concussion syndrome. 50 U.S.C. 3024(i) and executive order 12333 protected records. Appx. U. FBI Tampa evidence's show Fast has sustained two gunshot wounds to the head. Appx. U.

Fast diligently utilized Federal contacts as instructed by former director of Central Intelligence Agency Secretary and Federal contacts. Dr. Fast has not taken law into his own hands. Appx. U.

Supposedly, Fast' chains have been switched to 2254 Communist adversarial law practitioners. To "Smith(s)" that forces Armed Revolutionaries de Colombia leader's complained about to the press in Havana, Cuba during 2007-2008 peace treaty negotiations. There are unsatisfied federal arrest warrants on majority 2254 adversaries. Verifiable by U.S. Marshal deputy. 50 U.S.C. 3024(i) records.

B. Course of Proceedings in the Federal Courts

False arrest illegal imprisonment occurred June 30, 2007. Manatee County, Florida case # 2007-CF-2566 carrying concealed weapon [permit] charge against Petitioner. Fast's coded, GRU alert, 2007 National Crime Information Center Report evidences permanent federal concealed weapons permit to be U.S. Deputy Marshal admitted. Fast;s 2007 to 2009 Florida concealed weapons permit is shown on newly discovered Lexis Nexis report. Appx. Ten. Case now *nolle prosequi* after false murder, robbery convictions. Appx. Ten. Clearly false and federally obstructive arrest, illegal imprisonment. Appx. FF: D-23 lines 11 to 25; see, USMDC Appx. A: T-000152 to T-000156, Denial; see untranscribed, case # 2007-CF-2566, first appearance, and Fast's statement to judge that must be admitted

through court order of Fast's open court United States Middle District original jurisdiction rights statements because Manatee County agents refusal to provide this record. Appellate counsel during direct appeal had to petition Florida Supreme Court for Manatee County to release paper transcript record. See Appx. Two: case # 2009-3523.

Fast was falsely convicted of murder, robbery July 13, 2009. Appx. A: T-000243.

Trial judge denied, "Motion for Judgment of Acquittal," Appx. Two: T-1140 to T-1145, after clearly conclusive on scrivener erred trial record planted, falsified convicting evidences were trial admitted in this state witnesses perjured case. Appx. Twelve: attachments one and two.

Prosecutor throughout trial stated "facts not in evidence." Appx. Twelve: Attachments 5 and 6; see, Appx. A: T-1283 l. 23-25. See also Appx. U: based on Fast' FBI complaints against Manatee County scrivener's. Fast provide Tampa FBI with CD-ROM trial transcript record requesting double-triple veracity test to "Court TV" recording and Manatee County court recorder's office film's records. See USMDC Appx. U; T.

Prosecutor knowingly withheld 50 U.S.C. 3024(i) protected actual-factual innocence's records. Prosecutor knowingly, willfully and wantingly, in hatred

towards Fast, witnessed on “Court TV”” aided GRU, FARC, and Shining Path prosecutorial’s.

Appellate counsel incompletely raised and argued police *Miranda* act violation’s and duressment’s. Appellate counsel was absent to, failing, to raise much stronger claim’s on direct appeal. See, 2254 petition claim’s. Fast did not receive assistance of appellate counsel pursuant to the Sixth Amendment. Direct appeal was *per curiam* affirmed without written opinion. *Fast v. State*, 69 So.2d 283 (Fla. 2d DCA 2009); # 2D09-3523; Appx. Two: trial docket summary sheet entry # 375; Appx. Three A.

Fast exhausted 2254 claims on direct appeal “motion for rehearing”; petition for writ of supersedeas (prohibition, certiorari); and “motion for writ of habeas corpus: ineffective assistance of counsel”. See, Appx. Two: trial docket summary sheet entries no.’s # 375, 420, 424, 445, 453, 454. See, Appx. Three B, C, D, E; Four A-E.

After state court’s denial’s and dismissal’s to Fast’ postconviction proceedings. See Appx. Two: state court docket summary sheet entries # 404, 408, 412, 418, 419, 421, 422, 423, 425, 428, 439, 440, 446, 449, 450, 455, 457. Fast filed 2254 petition application’s to U.S.M.D.C. Tampa Division, Fla. Appx. Five, A, B. case # 8:17-2670-T-60AEP, sua sponte dismissed. Appx. Five C. Fast then filed motion to show equitable tolling entitlement’s, denied. Appx. Six.

Fast appealed to the 11th U.S.C.C.A. case # 18:11071-JJ. Appx. Six A thru I. *Per curiam* affirmed. Appx. Seven. Rehearing denied. Appx. Eight A. Early mandate issued December 15, 2020, prisoner received December 23, 2020. Appx. Two: U.S.M.D.C. docket Summary sheet entry # 52 page 5; Appx. Eight B.

“Motion to Stay Mandate” was filed December 23, 2020. Appx. Eight C.

“Motion to Recall Mandate and Amend Judgment to Prevent Injustice,” denied on February 5, 2021. Appx. Eight C.

During 2254 appeal Fast filed three (3) motions to supplement the record with newly discovered equitable tolling entitlement’s (rights) evidences:

1.) Middle District Court was moot on first supplement without issuing order.

U.S.M.D.C. Appx. 2: Docket Summary Sheet, entry # 35;

2.) Second supplement granted. Evidencing Middle District agreement Fast have equitable tolling rights. State did not respond. State went, moot, waived Fast’ asserted motion. Appellate court was moot to supplement.

U.S.M.D.C. Docket summary sheet, entries # 44, 45; Appx. Six F.

3.) Third supplement denied due to procedural err to improper Rule 10(c) titling. Court did not review merits of third supplement. U.S.M.D.C. docket summary sheet entries # 46, 49; Appx. Six H, I.

“Petition for Rehearing *En Banc*”, denied without written opinion December 7, 2020. U.S.M.D.C. docket summary sheet, entry # 52; Fast presented actual-

factual innocence's records to State courts, U.S.M.D.C. and Eleventh Circuit Court of Appeal show cause extraordinary fundamental miscarriage of justice cause procedural defaults. Appx. Eight A, B, C.

This most Honored Supreme Court has, exclusive, original jurisdiction rights.

Once again, Manatee County has frustrated Federal, State courts prior to and after Fast' arrest. Manatee Co., Fla.; Florida Department of Corrections and Florida Department of Law Enforcement continuously refused to acknowledge Dr. Fast' immunities posted on Fast' National Crime Information Center coded report. Appx. V; X; Appx. A: T-000152 to F000156; Appx. FF: D-32 l. 11 to 25. To be admitted by court order; see pretrial *Nelson* hearing, *infra*, Appx. Two: state docket summary sheet entries # 272, 283.

During *Nelson* hearing Judge Gilbert A. Smith questioned prosecutor concerning Fast' claiming relevancy to classified Federal records that need to be admitted. Prosecutor stated he checked with Tampa U.S. Attorney, FBI offices declined Fast's prosecution. Prosecutor knowingly withheld from defense Federal actual-factual innocence's, 50 U.S.C. 3024(i) records.

Judge Smith questioned defense counsel to his admitting aforementioned records. Appx. U, V. Counsel similarly stated "...I don't need to go through all that...". Because counsel knew Dr. Fast was innocent based on police reports,

depositions, falsified evidence's, and perjured testimonies without petitioning U.S. government for protected actual innocence to murder (and robbery) records. Appx. U; Appx. Twelve: Attachments 1 and 2.

This court purposely withheld *Nelson* hearing, in-camera sealed, untranscribed, record from appellate counsel and Dr. Fast during postconviction proceedings. Because this record clearly evidences *Brady* and *Giglio* violations, ineffective assistance of trial counsel, abuse of court discretion(s), causing access to the court fair trial due process fifth, fourteenth section 1, 3 constitutional magnitude violations.

Manatee County prejudicially denied admission into records of *Nelson* hearing during case # 2D12-237. Fast, as indigent, is entitled to one free copy of this proceeding. Manatee County court refuses to provide free copy but want payment for copy of *Nelson* hearing. Habeas-certiorari court must order Manatee court to provide Fast copy. So that court may review relevant claim's substantiating Fast's on certiorari; 2254 proceeding.

In order for Fast to comply with his Federal "for your eyes only" permanent Federal security agreement in Fast' effort to maintain 50 U.S.C. 3024(i) records classified Federal casework's integrity, names and 2254 case relevant material's are not publicly disclosed. But, must be ex parte, sealed, by courier admitted into

habeas proceeding, for access to the court, fair trial, due process rights, by Supreme Court orders.

C. Course of Proceedings in This Section 2254 Case Before the Court

October 30, 2017 Fast filed 2254 application, District Court Docket Summary Sheet entry # 1. Appx. Five C.

Dr. Fast asserted timeliness, equitable tolling rights, three actual-factual innocence's claims manifesting extraordinary fundamental miscarriage of justice cause procedural default(s), following:

- 1) Insufficient conviction evidence's;
- 2) a) *Brady* violations;
- 3) b) Prosecutorial misstatements to facts not in evidence;
- 4) Ineffective assistance of appellate counsel for failure argue, evidence stronger issue's.

Aforementioned raised on the following

- 1) Petition application dismissal Appx. Five C;
- 2) Motion to reopen case due to equitable tolling rights, District Court Docket Summary Sheet entries # 22, 23 denial. Appx. Six;
- 3) "Memorandum to facts and law...", District Court Docket Summary Sheet entry # 34: appeal appended on certificate appealability, COA – B. Brought into appeal. Both court's were moot to this brief.

4) Claim's argued in appeal brief's, motion's. Appx. Six A, C, F, H, I.

Court appeals *per curiam* affirmed September 2, 2020. Appx. Seven.

Court appeals denied rehearing December 7, 2020, postmarked December 8, 2020 mailed December 15, 2020 same day filed mandate received December 23, 2020. Appx. Eight A, B, C.

“Motion to Recall Mandate and Amend Judgment to Prevent Injustice” denied February 5, 2021. Appx. Eight C.

V. REASONS FOR GRANTING THE PETITION

D. The Court of Appeals Has Decided Federal Question's in Direct Conflict With Applicable Decisions of This Court

(1) Eleventh Circuit panel opinion erred *per curiam* affirmed district court sua sponte dismissal Mr. Fast' 2254 untimely holding Rule 4 allows sua sponte dismissal without reaching merits. Eleventh Circuit court panel opinion *per curiam* affirmed District Court denial “application to motion to reopen, 28 U.S.C. 2254, petition pursuant to judge's order to show equitable tolling entitlements,” that evidenced actual-factual innocence's manifesting, miscarriage of justice. Contrary to Eleventh Circuit court holding, equitable tolling rights are cognizable on Rules 4, 5 and 7 on Fast' briefs, filings. Appx. Six F.

(2) Convictions, imprisonment are false, illegal violations of Article III Section 2 cl. 2, 3, and section 3 cl. 1; article VI cl. 2 Supremacy clause, 28 U.S.C. 2254

Senate Revision Amendment, 18 U.S.C. 111(a)(2), 18 U.S.C. 1114 (immunity to criminal prosecution) 5th and 14th amendment due process U.S. constitutional amendments. United States district court or higher have original jurisdiction rights. District court and appellate court orders directly conflict with applicable decisions of this court cognizable on this 2254, in light of the court's precedence. This court should exercise its supervisory powers over the lower courts and issue writ. 28 U.S.C. 2254(b)(i)(B)(i)(ii),(d)(1)(2). *Estelle v. Williams*, 425 U.S. 501, 503, 96 S.Ct. 1691, 48 L.Ed.2d 126 (1976) ("the right to a fair trial is a fundamental liberty secured by the fourteenth amendment. The presumption of innocence, although not articulated in the constitution is a basic component of a fair trial under our system of criminal justice.") Fast fundamental liberty to fair trial rights was violated. Record shows actual-factual innocence's due to planted, falsified evidences. 28 U.S.C. 2254(d)(1)(2). Prosecutor, trial judge denied admission to 50 U.S.C. 3024(i) state non-downgradable records manifesting rare extraordinary fundamental miscarriage of justice cause procedural defaults. U.S.M.D.C. Appx. A: T-000152 to T-000156. This court should exercise its supervisory powers and issue writ.

(3) Eleventh Circuit panel opinion erred *per curiam* affirmed district court sua sponte dismissal, denial of Mr. Fast' 2254, untimely without equitable tolling rights, without reaching meritorious prosecutor misconduct's claim two: (a) *Brady*

violation² prosecutor trial withheld perjured grand jury indicting evidences, testimonials because no links to Fast to charges, prosecutor denied admittance to 50 U.S.C. 3024(i) actual-factual innocence's records; and, failure to move state proceeding into proper United States court's have original jurisdiction rights; (b) prosecutor misstatements to facts not in evidence. District, and appellate court's orders are contrary to Supreme Court decision in *Giglio v. United States*, 405 U.S. 150 (1972) (prosecutor's misstatements to witness testimony, *Id.* at 152-155 (prosecutor misstatements to witness testimony, such as plea agreement [with Mr. Pierola, state jail inmate agent, Appx. Twelve: Attachment 3 and 5] in exchange for testimony violates, due process). Record shows Fast' actual-factual innocence's to the clearly false convictions, illegal imprisonment causing miscarriage of justice based on district court appended police reports, depositions, trial transcripts, newly discoverable 50 U.S.C. 3024(i) records to be admitted ex parte, sealed, through courier, causing structural due process violations. Appx. Twelve: Attachments 1, 2, 3, 5, 6; U.S.M.D.C. Appx. A: trial transcript records to be ordered from U.S.M.D.C. and Tampa, Fla. State Attorney General office. Prosecutor misstatements to facts not in evidence presumptively prejudiced judge, jury causing due process Fifth, Fifteenth section 1, 3 U.S.

² *Brady v. Maryland*, 373 U.S. 83 (1963) (Supreme Court held that due process requires the prosecutor to disclose, upon request, evidence favorable to petitioner when evidence is material to guilt or punishment.)

constitutional amendments violations. 28 U.S.C. 2254(d)(2). This Court should exercise its supervisory powers and issue writ.

(4) Eleventh Circuit panel opinion erred *per curiam* affirmed district court sua sponte dismissal, denial 2254 without reaching Fast meritorious ineffective assistance of appellate counsel claim three. Court's decisions are in direct conflict with *Strickland v. Washington*, 466 U.S. 668 (1984) (actual or constructive denial of counsel presumed, to result in prejudice). Record shows actual-factual innocences to clearly false convictions, illegal imprisonment manifesting injustice. Fast is sustaining fundamental miscarriage of justice based on police reports, depositions, trial transcripts, newly discovered 50 U.S.C. 3024(i) actual-factual innocence records to be admitted. 28 U.S.C. 2254(d)(2). Appx. Twelve: U.S.M.D.C. attachments 1, 2; Appx U.

Appellate counsel failed to raise stronger actual-factual innocence trial admitted issues on direct appeal and failed in case transfer to United States Middle District Court original jurisdiction rights, to admit 50 U.S.C. 3024(i) records, Appx. U, V, prejudicially causing Sixth Amendment right violations to representation and Fifth, Fourteenth Section's 1, 3 Amendment access to the court for fair trial [structural] due process constitutional magnitude rights violations(s) manifesting miscarriage of justice cause procedural defaults. 28 U.S.C.

2254(d)(1). This Court should exercise its supervisory powers over lower courts and issue writ and order assignment of counsel to Fast. Appx. Six C.

Petitioner respectfully urges aspects of Circuit Court's decisions are erroneous at variance with this Court's decisions explained in argument below.

VI. ARGUMENTS AMPLIFYING REASONS FOR WRIT

QUESTION ONE

(A) WAS APPELLATE COURT ORDER'S SUPPORTING LOWER COURT'S DECISION'S CONFLICT WITH SUPREME COURT AND APPELLATE COURT'S HOLDING'S VIOLATE PETITIONER, (FORMER?) FEDERAL OFFICER, STRUCTURAL DUE PROCESS RIGHTS IN THIS COLD WAR FIGHT?

"THE U.S. CONSTITUTION AND ACTS OF CONGRESS HAVE GIVEN TO THE FEDERAL GOVERNMENT EXCLUSIVE POWER OVER CERTAIN MATTERS SUCH AS INTERSTATE COMMERCE AND SEDITION TO THE EXCLUSION OF STATE JURISDICTION. OCCURS WHERE FEDERAL LAW SO OCCUPIES THE FIELD THAT STATE COURTS ARE PREVENTED FROM ASSERTING JURISDICTION."³

a) Dr. Fast admitted argument's, evidence's to lower court's showing Congress, Supreme Court have prevailing exclusive, original jurisdiction rights to

³ Black's Law Dictionary, 6th Ed., definition of "Federal pre-emption", pages 424 to 425.

this Cold War case. U.S.M.D.C. Appx. U noting executive order 12333 protection's.

“Federal law so occupies the [Cold War] field that [Florida] state courts are prevented from asserting jurisdiction.” However, Florida law practitioner's output to the FBI is expected.

In this 2254 case U.S. national security interest's, treaty violation's supersede Manatee County, Florida's Soviet GRU, Forces Armed Revolutionaries de Colombia, Peruvian Shining Path and subsidiary organizations Florida, law practitioner's false, illegal prosecution of Fast, former Federal officer with immunity rights. Art. III, Sec. 2 cl. 2 U.S. Constitution; 18 U.S.C. 2334 national security issues can be raised at any time in the same [2254] civil action.

This Florida case based on false conviction's to Soviet Chameleon death, and non-existent robbery.⁴ Appx. Twelve: Attachment's 1, 2 trial transcript outlines. See, Appx. Two entries # 375 (2DCA case # 2D09-3523 rehearing dated 6/15/2011 and 7/05/2011); # 380, 415, 420, 424, 453, 454; 2254, appeal for claim's argument's appended evidence's. Appx.'s Three A(5), B, C, D; Four C, Five C; Six and Six A, F; Seven; Eight C(2).

⁴ See, Manatee County, Florida case # 2007-CF-2989; Appx. Twelve: U.S.M.D.C. attachment 7; Appx. Two: case # 2D12-237 entry # 415.

THOMAS L. FAST WAS NOT INVOLVED IN ANY FORM, SHAPE OR MANNER TO DECEDENT DEATH, NOR ROBBERY. THE STATE TRIAL ADMITTED NO CONVICTING EVIDENCE.

Florida Department of Law Enforcement referred Fast to higher Federal authorities. U.S.M.D.C. Appx. V. Warden's, Florida Secretary Department of Corrections denied Fast' grievance's recognizing Fast' NCIC report shows GRU alert, immunities. U.S.M.D.C. Appx. X records are State non-downgradable Appx. U.

Prosecutor pretrial knew of pendant classified records. U.S.M.D.C. Appx. FF: D-23 l. 11 to 25; Appx. A: T-000152 to T-000156, denied; prosecutor statement in *Nelson* hearing⁵ to be subpoenaed. Supreme Court deputy marshal may introduce Fast' coded National Crime Information Center Report evidencing Petitioner immunities, Supreme Court original jurisdiction rights. 28 U.S.C. 2254(d)(1)(2).

⁵ See *Nelson* hearing: Appx. Two: Trial docket summary sheet entries # 272, 380 (court order) untranscribed sealed May 15, 2009 hearing. *Nelson v. State of Florida*, 274 So.2d 256 (1973) (district court held that where Defendant, before commencement of trial requests discharge of his court appointed counsel, trial judge should make an inquiry of Defendant as to reason for request and, if incompetency of counsel is assigned as reason, should make a sufficient inquiry of Defendant and his appointed counsel to determine whether there is cause to believe that counsel is not rendering effective assistance o Defendant, and if reasonable cause for such belief appears, trial judge should make a finding to that effect on record and appoint substitute counsel who should be allowed adequate time to prepare defense, but if no reasonable basis for such belief appears, trial judge should so state on record and advise Defendant that if he discharges his original counsel the State may not thereafter be required to appoint a substitute).

Aforementioned, predicates lower court's access to court(s) fair trial structural due process violations of Petitioner and Supreme Court's Fifth, Fourteenth Sections 1, 3 United States Constitutional Amendments.

Lower court's mootness, waiver's to Fast' claims predicate United States Supreme Court (or, United States district court) original jurisdiction rights. Appx. Two entries # 408 (Fla. 2d DCA, docket summary sheet pg. 2, case # 2D09-3523 7/21/2011 rehearing and striking order a *pro se* motion for extension of time); see, Appx.'s 4, 5, 6, 7, 8 for written opinion's evidencing mootness, waiver's to Supreme Court original jurisdiction rights.

In this Cold War case Fast' FBI, Tampa, contact(s) ordered Fast not to neutralize anyone. Fast was compliant. Disappointantly to Fast, and Federal contacts, lower court's waved and prejudicially denied, Appx. Four, Fast' right under Article VI, cl. 2 supremacy clause; Fifth, Fourteenth sections 1, 3 U.S. constitutional amendments; 28 U.S.C. 2254(b)(i)(B)(i)(ii), (d)(1)(2) senate revision amendment, 18 U.S.C. 111(a)(2) 18 U.S.C. 1114 (immunity to criminal prosecution); see, *Tanella*, *Id.* at 291, 29; *Mannypenny*, *Id.* at 242; *Fair*.⁶

⁶ *New York v. Tanella*, 239 F.Supp.2d 291; 2003 U.S. Dist. LEXIS 346; 02 CR 1343 (NGG); January 13, 2003 decided. Dismissed by *N.Y. v. Tanella*, 2003 U.S. Dist. LEXIS 15158 (E.D.N.Y., Sept. 3, 2003) petition for removal granted). *Id.* at 291, governments > federal government > employees and officials "...if a federal officer is sued in state court for any act under color of office and raises a colorable Federal defense, the right of removal under 28 U.S.C. 1442(a)(1) is made absolute." *Id.* at 291, governments > Federal government > employees & officials

Fast has constitutional right to abide by “No Harm Done” policy and FBI cautions imposed on U.S. Intelligence Officers in domestic legal cases during subversive prosecutorial’s armed assault’s on Fast (and maternal family). 18 U.S.C. 115(a)(2). See, *Nelson* hearing in-camera film of state attorney abherent actions standing behind Fast. See, trial recording’s of individual’s seated behind Fast and their subversive, trial disrupting action’s, “Court TV” recorded. See 50 U.S.C. 3024(i) records that include FBI’s double-triple veracity test. U.S.M.D.C. Appx. U; T. see, subpoena’s from Fast through U.S.M.D.C. 2254 proceeding were unresponded to evidencing mootness to Supreme Court original jurisdiction rights. Appx. Two: U.S.M.D.C. docket summary sheet entries # 4 to 11.

National Intelligence Office, House and Senate Intelligence Committees, Federal agencies (U.S. Army S.W.O.; FBI; CIA, NSA, NSC) 50 U.S.C. 3024(i) newly discoverable records evidence actual-factual innocence’s manifesting

“pursuant to the supremacy clause of the United States Constitution, U.S. Constitution Article VI, Clause 2, where a Federal officer Defendant … would be completely immune from all criminal liability … the United States Constitution is Supreme to the States … There is no occasion for any further trial in the state court or in any court.” *Id.* at 292 {2003 U.S. Dist. LEXIS 11} *Arizona v. Mannypenny*, 451 U.S. 232, 242, 68 L.Ed.2d 58, 101 S.Ct. 1657 (1981) (“noting that the Supreme Court ‘has held that the right of removal is absolute for conduct performed under color of federal office’). See also *In re Fair*, (C.C. Neb. 1900) 100 F. 49. State’s key 18.3, United States Key 52. Located in, Thompson West Pub., United States Code Annotated, constitution, “article 3 section 2 clause 1 to article 7”, Art. VI cl. 2 pg. 539 note 271. Acts of Federal agents, crimes and criminal procedure courts and judicial procedure. (“An act done by an officer or agent of the United States is not an offense against the laws of the state.”)

fundamental miscarriage of justice cause procedural defaults. 50 U.S.C. 3024(i) records show false convictions and illegal imprisonment predicated Supreme Court original jurisdiction rights, due process violation(s). Article III, Section 2, Clause 2; Article VI, Clause 2; Fifth, Fourteenth Sections 1, 3 United States Constitutional Amendments; 28 U.S.C. 2254(b)(i)(B)(i)(ii),(d)(1)(2) Senate Revision Amendment; 28 U.S.C. 1331, 18 U.S.C.; 18 U.S.C. 2338, 18 U.S.C. 2334 to 2338; 28 U.S.C. 1339, 18 U.S.C. 1708, 18 U.S.C. 1341 to 1349.

Manatee County and Florida courts have history of frustrating Federal courts constitutional rights. Exemplified in this case. See *Harvest, Baldwin, Lee, and Mayo.*⁷

⁷ Thompson West Pub., Constitution, United States Code Annotated, "Article 3 Section 2 Clause 1 to Article 7", Art. III Sec. 2, Cl. 2, page 239, note 5 – Exclusiveness, Nature and Scope of Jurisdiction, Original Jurisdiction. "Order restraining state governor from interfering with Federal court order directing desegregation of county public school system and order to show cause why governor should not be held in contempt did not make cause one between United States and the State and therefore cognizable only in United States Supreme Court, since where state officials use state power to frustrate federal court orders those officials are subject to restraint by injunction and it is the officials and not the state that are proper parties, but, in any event, Supreme Court has only original and not exclusive jurisdiction of actions between the United States and a state." *Harvest v. Board of Public Instruction of Manatee County, Fla.*, M.D.Fla. 1970, 312 F.Supp. 269. Federal court's key 1141; Federal court's key 1142. Thompson West Pub., constitution, United States Code Annotated, "Article 3 Section 2 Clause 1 to Article 7", Art. VI Cl. 2, page 488 note 93. – Preemption Generally, Federal Laws Generally. "Federal law will preempt state law in several circumstances: congress can specifically express that state law is preempted; area of law with comprehensive. *BALDWIN V. U.S.*, S.D.Fla. 1992, 805 F.Supp. 1026. SUPREME COURT KEY 18.3.

Departure from essential requirement of law occurred. Because harm was not corrected on state direct appeal or 2254 proceeding there is continuing illegality, not erroneous proceeding. Continued deprivation of rights under unconstitutional statue have resulted irreparable injury to Fast (and material family). Fast evidenced state trial court(s) illegal jurisdiction, illegal and irregular state court's procedures, lower federal court's supported through their timeliness rulings, not considering actual-factual innocence's fact's manifesting miscarriage of justice causing procedural defaults.

b.) Supreme Court is appellate court has power to revise lower court decision's, authority to entertain original habeas petitions, may issue writ. Art. VI, cl. 2 U.S. Constitution Amendments; 28 U.S.C. 1442(a),(c)(3). See *ex parte, Watkins*,⁸ see

⁸ *Ex parte Watkins*, U.S. Dist. Col. 1833, 32 U.S. 568, 8 L.Ed. 768. “The Supreme Court may issue writ of habeas corpus in aid of its original jurisdiction. Federal regulation may not allow for state supplement; field of dominant Federal interest may preclude state laws on same subject; or state law may actually conflict with and obstruct intent and objectives of Congress.” Thompson West Pub., Constitution, United States Code Annotated, “Article 3 Section 2 Clause 1 to Article 7”, Art. VI cl. 2, page 532 note 251 – State judges bound by supreme law, courts, and judicial procedure. “No court, state or federal, may serve as an accomplice in the willful transgression of Federal laws by which judges in every state are bound.” *Lee v. State of Florida*, (U.S. (Fla.) 1968), 88 S.Ct. 2096, 39 U.S. 378, 20 L.Ed.2d 1166. States Key 4.1(1).

Thompson West Pub., Constitution, United States Code Annotated, “The authority of state laws or their administration may not interfere with the carrying out of a national purpose, and where enforcement of a state law would handicap efforts to carry out the plans of the United States, the state enactment must give way.” *United States v. Mayo*, (N.D. (Fla.)) 1942, 147 F.Supp. 552, affirmed 63 O “... MATERNAL...”

also Appx. Twelve; Attachment's One (emphasis), Two (emphasis) thru Six; see, also, Appx. Two: U.S.M.D.C. Docket Summary sheet entries # 1, 14, 15, 19, 22, 24, 34, 35 for appendices.

U.S.M.D.C. Appendices show trial transcript's, depositions, police reports conclusively evidence actual-factual innocence's manifesting injustice cause procedural default's.

In this 2254 case lower court's ruled favorably to state prosecutorial Soviet GRU, Forces Armed Revolutionaries de Columbia and Peruvian Shining Path adversarial's retaliation's against Fast, a Cold War injured Federal government aerospace engineer and astronaut. Subversive adversarial's are committing legal assaults and batteries on Fast (and maternal family) whom are illegally accessing Florida and Federal lower court's. Predicating Supreme Court original jurisdiction rights. Causing access to the courts fair trial structural due process rights violations. Art. III, Sec. 2, Cl. 2; Art. VI cl. 2 supremacy clause; Fifth, Fourteenth Section's 1, 3 U.S. Constitution Amendments; 28 U.S.C. 2254(b)(i)(B)(i)(ii), (d)(1)(2) Senate Revision Amendment; 18 U.S.C. 111(a)(2), 181 U.S.C. 1114 (immunity to criminal prosecution). See Appx U: 50 U.S.C. 3024(i) and Executive Orders 12333 protected records.

S.Ct. 1137, 319 U.S. 441, 87 L.Ed. 1504, rehearing denied 64 S.Ct. 27, 320 U.S. 810, 88 L.Ed. 489. states Key 18.3.

Admission to 50 U.S.C. 3024(i) records into this 2254 manifest fundamental miscarriage of justice cause procedural default's.

Based on aforementioned, Dr. Fast have rights under Article VI clause 2 supremacy clause, United States Constitution Amendments; 28 U.S.C. 1442(a),(c)(3); 28 U.S.C. 2254(b)(i)(B)(i)(ii),(d)(1)(2) Senate Revision Amendment; 18 U.S.C. 111(a)(2), 18 U.S.C. 1114 (immunity to criminal prosecution) [and, wife, Mrs. Nicole R.M. Fast and maternal family rights under 18 U.S.C. 115(a)(2).]

Supreme Court must exercise it's constitutional duty to secure Petitioner's Fifth, Fourteenth Section's 1, 3 constitutional amendments rights.

It is well understood our nation lose's more intelligence through our courts than any other means foreign intelligence agencies have at their disposal. Maybe, through the course of this 2254 proceeding this Court and Congress may curtail further losses. Especially, when it comes to attorneys, police (Florida Circuit's 12 (and 6, Pinellas County, Fla.) in this case), criminal's and court's disparagement's of United States Court's original jurisdiction rights. And, state officer's, agent's compromisation's of United States National Security issues, case's; and denial's to rights of current and former federal officer's, agent's such as Fast, and their families from subversive activities.

Dr. Fast diligently previously attempted to work covertly to not damage or violate his written federal “for your eyes only,” top secret security clearance(s).

QUESTION TWO

B) APPELLATE COURT AND DISTRICT COURT HAVE RIGHT TO MISAPPREHEND PETITIONER ACTUAL-FACTUAL INNOCENCE'S CLAIM'S MANIFESTING EXTRAORDINARY FUNDAMENTAL MISCARRIAGE OF JUSTICE CAUSE PROCEDURAL DEFAULT'S VIOLATE DUE PROCESS?

a) In this, what was supposed to be covert gone overt, Cold War fight. State court's have frustrated Petitioner and United States Court's constitutional original jurisdiction rights causing due process violations under Article III Section 2 Clause 2; Article VI Clause 2 Supremacy Clause; Fifth and Fourteenth Section's 1, 3 United States Constitutional Amendments; 28 U.S.C. 2254(b)(i)(B)(i)(ii), (d)(1)(2) Senate Revision Amendment; 28 U.S.C. 2441 (removal of case); 18 U.S.C. 111(a)(2), 18 U.S.C. 1114 (immunity to criminal prosecutor). 28 U.S.C. 1331; 28 U.S.C. 1339, 18 U.S.C.; 18 U.S.C. 2338, 18 U.S.C. Appx. U, V, X.

Fast was prejudicially denied access to court compulsory due process rights to admit 50 U.S.C. 3024(i) and executive order 12333 protected records, testimonies, evidence's showing actual-factual innocence's manifesting fundamental miscarriage of justice cause procedural default's. Appx. Three A(5)

thru (E; Four A(1),(2),B(1),C(1),D; Five C(1); Six (1); Six (1), A, F, H, I; Seen (brief); Eight (brief), C(2).

The prosecutor knowingly withheld classified Federal agencies actual-factual innocence's record's, *Brady* violation,⁹ including evidence's, grand jury admitted by deputy Brinson, whom had "Callahan" a known GRU officer, as a Manatee Sheriff's Office partner. Brinson's evidence's were not trial admitted. Because no link to Fast to the crimes were on these evidence's. Appx. FF D-23 l. 11 to 25; U.S.M.D.C. Appx. A: T-000152 to T-000152 to T-000156; *Nelson* hearing, supra, prosecutor stated similarly to knowledge of pendant Federal record's. Appx. U; V; X. *Fortner; Estelle*.¹⁰ Appx. Five C(1); Six (brief), F, H, I; seven (reply brief); eight (brief), C(2)(brief).

THOMAS L. FAST HAD NO INVOLVEMENT IN ANY FORM TO THIS DEATH AND ROBBERY. PROSECUTORS ADMITTED NO CONVICTING EVIDENCES AGAINST FAST.

⁹ *Brady v. Maryland*, 373 U.S. 83 (1963) (due process violation if (1) defendant requests suppressed material; (2) prosecution suppressed evidence favorable to Defendant upon request; and, (3) evidence is material to guilt or punishment).

¹⁰ *Fortner v. Balkcom*, (C.A. 5 (GA) 1967), 380 F.2d 816 ("claim of denial of compulsory process is cognizable in habeas corpus proceeding.") Habeas corpus Key 495. *Hardin v. Estelle*, (C.A. 5 (Tex.) 1973, 484 F.2d 944. Habeas corpus Key 495. (Habeas corpus relief was properly granted state petitioner on ground of denial of compulsory process for his witnesses). Thompson West Pub., particular proceedings, 28 U.S.C. 2254, Volume 2, page 299, note 1922 – Compulsory Process, Evidence and Witnesses as Grounds for Writ.

Dr. Fast was illegally and falsely convicted of state claimed murder of Soviet Chameleon and clearly conclusive false, non-existent robbery. Pre-trial, trial, postconviction Fast' filing's show actual-factual innocence's substantiating planted, falsified DNA, and jewelry conviction's evidence's manifesting fundamental manifest injustice overcomes procedural bars. Appx. Twelve: U.S.M.D.C. attachment's 1, 2, 7.

b) Mr. Arthur Brown, prosecutor knowingly, deliberately trial admitted falsified evidence's to deceive court, jury. Appx. Twelve: U.S.M.D.C. attachment's 1, 2, 3, 5, and 6. (Attachment 7 outline's the scrivener errors on the trial transcript record.) See, Appx. Two: trial docket summary sheet entries # 410, 412, 415, 416, 419: Florida Second District Court of Appeal case # 2D12-237 to correct the scrivener erred record. See, also Appx. U: FOI / PA veracity test request.) Appx. Twelve: U.S.M.D.C. Attachments 1, 2 outline evidence's showing prosecutors admission's incompatable with demand's of justice. *Giglio*¹¹ violation.

¹¹ Thomson West Pub., United States Code Annotated, Constitution, Amendment V, Volume 2, due process, page 732 note 882. – False and Perjured Testimony, Criminal Evidence.” Deliberate deception of court and jurors by presentation of known false evidence is incompatible with rudimentary demands of justice.” *Giglio v. United States*, 405 U.S. 150, 92 S.Ct. 763, 31 L.Ed.2d 104 (1972). Criminal Law Key 706(2).

United States v. Fontent, C.A. 5 (Fla.) 1980, 628 F.2d 921, certiorari denied 101 S.Ct. 3030, 452 U.S. 905, 69 L.Ed.2d 406, Criminal Law Key 706(2). “Government is under affirmative duty to correct false statements made by its witnesses.”

Appx. A: T-1283 l. 23 to 24 court overruled defense objection during prosecutor closing statement to "...facts not in evidence...". *Deck*.¹²

Prosecutor pretrial, trial opening, then closing trial statement's evidence prosecutor failed affirmative duty to correct the false state witness statement's and misrepresented necessary element's for conviction, e.g., Mr. Gilbert Pierola, jail inmate state agent that was twice convicted of untruthful statements, that pretrial and trial admitted untruthful statement's. *Del Vecchio*,¹¹ holding is conclusive based on prosecutor and Mr. Pierola's untruthful misstatements. See Appx. Twelve: U.S.M.D.C. attachments 3(b) pg.'s 1-2 and addendum pg. 5; l. 23 to 29; attachment 6. See. *Fontent, Del Vecchio*.¹¹

Prosecutor made no attempt to perform affirmative duty to correct state witnesses false evidentiary testimonies. But, allowed state witness false testimonies to stand. However, defense counsel elicited truthful state witnesses

United States v. Sanfilippo, C.A. 5 (Fla.) 1977, 564 F.2d 176. Constitutional Law Key 266(1). "Due process is violated when prosecutor, although not soliciting false evidence from government witness, allows it to stand uncorrected when it appears. ... [.] ... and fact that the false testimony goes only to the credibility of witness does not weaken this rule." *United States v. Johnson*, C.A. 8 (Mo.) 1981, 649 F.2d 617. Constitutional Law Key 268(9).

U.S. ex rel. Del Vecchio v. Illinois Department of Corrections, N.D.Ill. 1992, 795 F.Supp. 1406, affirmed in part, reversed in part 31 F.3d 1363, certiorari denied 115 S.Ct. 1404, 514 U.S. 1037, 131 L.Ed.2d 290, rehearing denied 115 S.Ct. 1992, 514 U.S. 1123, 131 L.Ed.2d 878. Constitutional Law Key 268(9). "Knowing use of perjured testimony constitutes denial of due process."

¹² *Deck v. Jennings*, 768 F.3d 1015, 1025-27 (9th Cir. 2014) (due process violation because prosecutor's closing statement misrepresented necessary element for conviction).

testimonies utilizing police report's, see, U.S.M.D.C. appendices 1, 2, 3, 5, 6, 7. Appx. U. *Sanfiupo*; *Johnson*; and *Del Vecchio*.

Prosecutor continuously knowingly used perjured testimonies to facts not in evidence causing fair trial due process violation's. Prosecutor misstatements prejudiced court, jury. Appx. Twelve: U.S.M.D.C. appendiced attachments 1, 2, 3, 5. U.S.M.D.C. Appx. A: unambiguous pretrial and trial transcript record's substantiating Fast' actual-factual innocence's. 28 U.S.C. 2254(b)(i)(B)(i)(ii),(d)(1)(2).

Trial counsel's cross- and re-cross examination's brought to light Fast' actual-factual innocence's showing prosecutor misstatement's. Misstatement's Fast raised to lower court's were misapprehended. Fast' diligently attempted admitting corrected record, Appx. U; case 2D12-237, double-triple veracity test; and, replacement of missing record's manifesting fundamental manifest injustice cause procedural default's.

Prosecutor deliberately, in malice misstated relevance to 50 U.S.C. 3024(i), executive order 12333, Appx. U, actual-factual innocence's record's during *Nelson* hearing, to be transcribed, admitted. See, *Nelson* hearing in-camera recording. Prosecutor *Nelson* hearing voice inflection's were derogatory toward's the United States government and Petitioner. Prosecutor misstatements to court during *Nelson* hearing, to the relevance of protected Federal record's and denial to admit these

record's through United States District Court manifested miscarriage of justice caused procedural defaults structural due process access to the court fair trial rights violation's. *Brady* violation. Prosecutor during this hearing admittedly spoke to Tampa U.S. Attorney, FBI offices declining Fast's prosecution. Art. VI, cl. 2 Supremacy Clause; Fifth and Fourteenth United States Constitution Amendment; 28 U.S.C. 2254(b)(i)(ii), (d)(1)(2) Senate Revision Amendment; 28 U.S.C. 1442(a), (c)(3); 18 U.S.C. 111(a)(2), 18 U.S.C. 1114 (immunity to criminal prosecution); 28 U.S.C. 1331; 28 U.S.C. 1339, 18 U.S.C.; 18 U.S.C. 2338, 18 U.S.C.

Complete departure from essential law requirement occurred. Harm was not corrected on state direct appeal there is continuing procedure illegality, not erroneous proceeding. Continued right deprivation's under unconstitutional statute have resulted in irreparable injury to Fast (Fast' baby was GRU-FARC-Shining Path murdered in FARC labsite Fast' kidnapped pregnant wife was enslaved in).

Fast evidenced state trial court's illegal jurisdiction, illegality and irregularity of state court's procedure's that lower Federal court's supported by not deciding on meritorious actual-factual innocence's fact's manifesting fundamental miscarriage of justice cause procedural default's due to prosecutors and state appellee misstatements to 50 U.S.C. 3024(i) actual-factual innocence's record's in pendency.

Appellate court and district court orders are contrary to this supreme and appellate court holdings causing due process violations. Therefore, this most Honored Supreme Court must exercise its constitutional duty to secure Petitioner's Fifth and Fourteenth Sectional's 1, 3 Amendment rights.

VII. CONCLUSION

Petitioner, Thomas L. Fast, (former?) Federal Officer, has been deprived basic fundamental rights guaranteed by Article III, Section 2[2][3]; Article VI clause 2; Fifth, Six, Fourteenth Section's 1, 3, United States constitutional amendments, seeks relief to restore these rights. Minimally evidenced on this Petition through excerpts from state, federal 2254, proceeding's. State agents blatantly violated petitioner's due process rights. Petitioner prays for writ issuance, reversal of the court of appeal judgment(s),¹³ accept or relegate to United States court's original jurisdiction rights and find due process violation(s).

¹³ If this court elects not to address the issues presented in this petition at this time, it is requested that the writ issue and the matter(s) be remanded to the United States Middle District Court, Tampa, Division, Florida or to the Eleventh Circuit Court of Appeal for reconsideration in light of this Court's opinions in *Tanella*, *supra*; *Fair*, *supra*; *Adderley*, *supra*; *Brady*, *supra*; *Williams*, *supra*.

Petition for Writ of Certiorari should be granted. Respectfully submitted on this 23 day of FEBRUARY, 2021.


/s/  # 818015
Thomas L. Fast, Appellant-Petitioner

CERTIFICATE OF COMPLIANCE

THOMAS L. FAST,
Petitioner,

Case No.:

v.

UNITED STATES MIDDLE DISTRICT
COURT, Tampa Division, Florida; and
ELEVENTH CIRCUIT COURT OF
APPEALS, Atlanta, Georgia,
Respondents. /

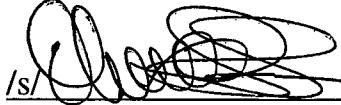
As required by Supreme Court Rule 33.1(h), I certify that the petition for writ of certiorari contains 7498 words, excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d).

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

Executed on FEBRUARY 23, 2021.


/s/  # 818015
Thomas L. Fast, Appellant-Petitioner
Martin Correctional Institution
1150 SW Allapattah Road
Indiantown, FL 34956

Petition for Writ of Certiorari should be granted. Respectfully submitted on this 3rd day of MARCH, 2021.


/s/ # 818015
Thomas L. Fast, Appellant-Petitioner

CERTIFICATE OF COMPLIANCE

THOMAS L. FAST,
Petitioner,

Case No.:

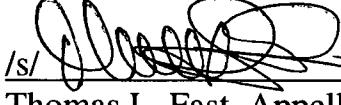
v.

UNITED STATES MIDDLE DISTRICT
COURT, Tampa Division, Florida; and
ELEVENTH CIRCUIT COURT OF
APPEALS, Atlanta, Georgia,
Respondents. /

As required by Supreme Court Rule 33.1(h), I certify that the petition for writ of certiorari contains 7498 words, excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d).

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

Executed on MARCH 3rd, 2021.


/s/ # 818015
Thomas L. Fast, Appellant-Petitioner
Martin Correctional Institution
1150 SW Allapattah Road
Indiantown, FL 34956