

No. **20-8118**

**ORIGINAL**

IN THE  
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.  
FILED  
MAY 12 2021  
OFFICE OF THE CLERK

Joshua Broughton — PETITIONER  
(Your Name)

Mark-Inch, Secretary Florida Department of Correction vs.  
— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Third District Court of Appeal  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Joshua Broughton  
(Your Name)

Hamilton Correction Institution 10650 S.W. 46 Street  
(Address)

Jasper FL 32052  
(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)

RECEIVED  
MAY 25 2021  
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SUPREME COURT, U.S.

**QUESTION(S) PRESENTED**

Is it NOT clear to this Honorable Court that the  
Petitioner Joshua Broughton should have been  
granted an Evidentiary Hearing in the Eleventh  
Circuit Court??

## **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:

## **RELATED CASES**

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## INDEX TO APPENDICES

APPENDIX A Trial Court denial o

APPENDIX B Third District Court of Appeal, denial

APPENDIX C Attorney Ana M. Davide overwhelming Arguments to the State's Response.

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## TABLE OF AUTHORITIES CITED

### CASES

### PAGE NUMBER

Bolender V. State, 658 So. 2d 82, 85 (Fla. 1995).  
Johnson V. State, 226 So. 3d 908 (Fla. 4<sup>th</sup> DCA 2017).  
Nordelo V. State, 26 So. 3d at 526 (Fla. 2009).  
Pesci V. State, 420 So. 2d 380, 382 (Fla. 3d DCA 1983).  
Simpson V. State, 100 So. 3d 1258, 1259 (Fla. 4<sup>th</sup> DCA).  
State V. Burton, 314 So. 2d 136 (1975).  
State V. White, 660 So. 2d 644, 666-67 (Fla. 1995).

### STATUTES AND RULES

### OTHER

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 \_\_\_\_\_ 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☐ is unpublished.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 \_\_\_\_\_; 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 Miami-Dade Eleventh Judicial Circuit court appears at Appendix A 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 \_\_\_\_\_.

**[ ]** 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(1).

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

The date on which the highest state court decided my case was Feb. 17, 2021.  
A copy of that decision appears at Appendix N/A. B

**[ ]** 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 14<sup>th</sup> Amendment of the United States  
Constitutional of Equal Protection of the Law



## STATEMENT OF THE CASE

On May 7, 2020, the petitioner filed to the Eleventh Judicial Circuit for Miami-Dade County, his Motion for Post-Conviction Relief/Petition for Writ of Habeas Corpus alleging Manifest Injustice. See Exhibit (A)

It was denied November 2020 and the petitioner appealed his Motion to the Third District Court of Appeal.

On February 17, 2021, the District Court denied his Appealed See Exhibit (B)

The petitioner is appealing his case to this Honorable United State Supreme Court; based on the fact that he feels that its obvious, that the Trial Court and the Third District Court of Appeal abused their discretion for NOT granting him an Evidentiary Hearing, off of Attorney Ana M. Davide overwhelming Arguments to the State's Response See Exhibit (C)

### REASONS FOR GRANTING THE PETITION

This Petition should be granted on the following facts:

- (1) It should be clear to this honorable Court that the Trial Court and the Third District Court of Appeal abused their discretion for failing to grant an Evidentiary Hearing. See Exhibit (C)

### **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Joshua Broughton

Date: May 13, 2021