

Supreme Court of the United States
Office of the Clerk

In re: Charlene Rosa

PROVIDED TO:
Lowell Correctional Annex On:

Supreme Court Case NO: 20-8142

V.

NOV 15 2021

NO: 20-8331

NO: 21-5076

BY:  For Mailing

State of Florida

Amend Motion for Rehearing / Rehearing
En banc / Certification of Conflict

1. Come now Petitioner Charlene Rosa in pro se, in proper person, and in necessity filed this timely Amended Petition for a Rehearing in the Above Style Three (3) Supreme Court case from judgments from the same Court with the same issues. Rule 12.4.
2. On October 28, 2021 this Court order that unless the Petitioner correct this Petition and resubmit to this Court within 15 days from the date of this letter Petition will not be filed. Rule 44.6.
3. Petitioner Rosa had not receive this Court order until Friday November 12, 2021 due to the fact that this honorable Court mistakenly mailed this Courts order to the Wrong Institution and the mail had was to be rerouted to Ms. Rosa correct Institution.
4. On 06-10-2021 Assistant Attorney General Celia Terenzio corrected the name of the Respondent in the above style case from Howard Finkelstein et al to the State of Florida in response to this Courts Waiver. Petitioner request for this honorable Court correct the record as to the correct respondent. See Waiver.

5. Petitioner Mosa briefly and distinctly state her grounds as follow:

Ground One

The Claim Pending before this Court did not become ripe until after the United States district Court final decision on original Petition for a writ of habeas corpus finding that the Petitioner Mosa Trial lawyer had a strategic justification for violated her individual rights ~~protected~~ by the civil rights act, Constitutional Law, act of Congress, and Treaty.

This claim by its nature might not be "second or successive" in a second-in-time motion to vacate, habeas petition or petition for a writ of Certiorari. See Scott v. United States, 890 F.3d 1239, 1256 (11th Cir. 2018).

Petitioner Mosa contends that prior to the district Court final order in original Petition for a writ of habeas corpus district Court docket no. 16-cv-62332 U.S. Court of Appeals no. 18-12339-c, and U.S. Supreme Court no. 18-9063 she have lacked a fair opportunity to raise the legal issue of this procedural default claim under the doctrine in the proper state court for lack of ripeness. Scott, 890 F.3d at 1249.

As a general rule, the habeas corpus petitioner will have satisfied the exhaustion requirement of the claim is presented to the proper state court as is required by the applicable state law, thus giving the state court "a meaningful opportunity to consider the allegations of legal error." Vasquez v. Hillery, 474 U.S. 254 (1986).

Petitioner Mosa contends that she was unable to

Timely object to the Trial Court deficient Foretta inquiry because of the respondents culpable acts such as undue influence, and concealing material information that would give rise to this ground that is limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented. See doctrine of Contra non Valentem (Con-tra non va-len-tam).

Claim TWO
Guilty Plea and admitted Elements
of the crime was Involuntarily Entered
Resulted in a Manifest Injustice.

Petitioner Rosa contends that during her June 25 through July 5, 2007 Jury trial her assigned Public Defender entered a guilty plea, and admitted Element of the crime as follows:

1. Guilty plea of Third degree Felony to aggravating Circumstances of Solicit to Commit armed Robbery, extortion, and,
2. Admitted Element of the crime alleging that the victim was killed by an alleged accomplice during the commission of the alleged solicit to commit extortion aggravating Circumstances to which he entered a guilty plea ~~alleging~~ that his client was guilty of Third degree felony, and 3. ~~allow~~ the State of Florida a stipulation of admissibility to the authenticity of critical material Evidence of "Telephone record" Conversations to lay the foundation for the business-records exception to the hearsay rule to provide for the admission to the authenticity of the Indictment ~~record~~ under Fla. Stat. Ann. §§ 90.803 (6), 90.902 (1). -- SACKSON V. Household Finance Corp. 771, 736 So. 3d 1170. See district court Tr. page 1088 of 1482 even though petitioner did not agree, see Tr. Tr. page 3-6 and 9-10 she denied having the alleged telephone conversation, clearly supplied that the record to which the State bases its claim is non-existent, out of the presence of the prospective jurors and prior to jury selection Petitioner contends that she informed the Trial Court that she do not agree with her assigned public defender incriminating her in the crime because she is entirely innocent and did not ~~in~~ new

that her former employer was dead or allegedly murdered until she was arrested and charged with the murder.

She invoked her not guilty plea and demand a impartial jury determination on the issue of guilt or innocence in conjunction with the due process clause which requires for the State to prove to a jury each Element of the crime beyond a reasonable doubt. *Alleyne v. United States*, 570 U.S. ___, ___, 133 S. Ct. 2151, 186 L. Ed. 2d 314 (2013).

Florida Rule of Criminal Procedure 3.11(d) and *Faretta* inquiry held that the Court must comply with the requirements for ensuring a valid guilty plea.

Petitioner Rosa contends that withdrawal of guilty plea and/or nolle contendere plea, after sentence, should be allowed when necessary to correct a "Manifest Injustice." *Frank v. Blackburn*, 646 F.2d 873 (5th Cir. 1980); *Miller v. State*, 814 So.2d 1131, 1132 (Fla. 5th DCA 2002). "Manifest Injustice occurs when ever... the plea was involuntary." *Blackburn*, 646 F.2d at 891.

Prior to the June 25 through July 5, 2007 jury trial. on 06/20/2007 the offense to which Petitioner's trial lawyer entered guilty plea and admitted facts was nolle prosequere because of the State failure to state a claim show that her trial lawyer entered a guilty plea and admitted facts to a non-existence offense. Case No. 05-14414 CF10A and, after judgment and sentence was entered on Case No. 04-10827 CF10A on July 5, 2007, then on 08/23/2007 the State of Florida and through the 17th Judicial Circuit Court amended and Circuit Court disposition order entered in Case No. 05-14414 CF10A which show Felony murder offenses to which Petitioner Rosa's trial lawyer entered guilty plea and admitted each Elements of the crime of First degree murder to which Rosa was being tried under Fla. Statute 782.04(1)(a).

Petitioner Rosa contends that she could not have discovered the Felony murder Amendment made on 08/23/2007 to the State case prior to the judgment and sentence on July 5, 2007 to move for a New trial, and, or to move to dismiss Indictment.

In response to Second-in-Time 3.850 motion to the Trial court, ~~on~~ September 18 2018 the State concedes that the defendant was indicted by the State on "both" Premeditated and Felony murder demonstrates that the State of Florida pursued a Strategic Decision in oneness with Rosa trial lawyer for a multiple prosecution trial for Rosa trial lawyer to enter a guilty plea and admitted facts on Terminated Felony murder aspect of the indictment to obtain a wrongful conviction that would uphold the premeditated murder conviction, thereafter the State amended the Felony murder case under the Florida Capital murder Statute 782.04(1)(a) Case No: 05-14414 CF104 on 08/23/2007 that would bound Petitioner Rosa to her trial lawyer alleged strategy for the rest of her natural life. see district court original judgment.

Petitioner Rosa contends that the state action taken on 06/20/2007 and in and for the 17th judicial circuit court to terminate Felony murder aspect of the indictment because of the State failure to state a claim refute the Elements of the offenses charge at trial and, guilty plea, admitted Elements, and stipulation to the authenticity of critical material Evidence of alleged Telephone record and conversations by Rosa trial lawyer. Therefore, even if the State of Florida allegations are true, (which they are not, and was not proven to a jury due to involuntary guilty plea and undue influence) **they would not be** legally sufficient to state a claim to sustain the judgment on the alleged indictment, and also the verdict is defective.

Petitioner Rosa contends that the foregoing substantial error appearing on the face of the record vitiates the
pages.

whole proceeding and the judgment. see Clerical Misprision.

Petitioner filed a timely appeal in the 4th DCA on the initial court denial of the Second in-time 3.850 motion. Subsequently on October 11, 2019 the 4th DCA enter sanction order that the State must not accept any pro se Pleading from the Appellant Rosa unless it is review by an attorney license with good standing with the Florida Bar and; on March 10, 2020 the 4th DCA made further order by the court as follows:

Article I, Section 16(b)(10)b. of the Florida Constitution provides that all state-level appeals and collateral attacks on any judgment must be complete within two years of the date of appeal in non-capital cases and five years from the date of appeal in capital cases unless a court enters an order within specific findings as to why the court was unable to comply and the circumstances causing the delay. Pursuant to the administrative procedures and definitions set forth in Supreme Court of Florida Administrative Order No. AOSC-19-76, this case was not completed within the time frame required by Article I, Section 16(b)(10)b. because the applicable time frame had already expired by the time this case was filed.

Petitioner Rosa contends that this order by the State Court show that the Court failed to follow reasonable Court procedure under Florida Rule of Criminal Procedure 3.11(c) and Tanetta that a Court must comply with the requirements for ensuring a valid guilty plea, and that it must be made voluntarily, and only after the accuse has been informed of and understands his or her rights. A guilty plea ordinary has the same effect as a guilty verdict and conviction after a trial on the merits establish multiple prosecution. Base on all the foregoing Evidence Petitioner Rosa has establish that the guilty plea entered by her trial lawyer was involuntarily entered, and that the State of Florida Strategic Decision concerning the Felony murder aspect of

the indictment on 06/20/2007 and 08/23/2007 and the Nal Tel "Telephone record" have a significant impact on the Voluntariness of the plea. Therefore withdrawal of the plea is necessary to correct the manifest injustice.

The Florida Supreme Court has held that Fareta and Rule 3.111(d) "require reversal when there is not a proper Fareta inquiry." State v. Young, 626 So. 2d 655, 657 (Fla. 1993). Therefore the Trial Court Lack Jurisdiction to enter Judgment and Sentence on Involuntary Guilty Plea.

Both the United States District Court and the 11th Circuit Court of Appeal improperly construed Second-in-time Petition for a writ of habeas corpus, Rule 60(b) motion, Legal Malpractice Complaint, and Malicious Prosecution action as a Second or Successive Petition for a writ of habeas corpus and to dismiss for Lack of Jurisdiction.

Petitioner Rosa contends that a Writ of Certiorari is necessary in the Interest of Justice to correct a gross Manifest Injustice and miscarriage of Justice that gone uncorrected by both the State Court and the Lower Federal Courts under procedural due process.

She has demonstrated a denial of Justice under the Due process Clause and the Equal Protection of the Law guaranteed by the 5th Amendment of the Federal Constitution in conjunction with the 14th Amendment of the State Constitution and her present confinement violates the 13th Amendment under the Civil Rights Act and she is Entitled to immediately release from custody. U.S. Const. Amend. 1st, 4th, 5th, 6th, 13th and 14th.

Wherefore, Petitioner Rosa requested in the Interest of Justice where she has demonstrated that her Second-in-time Petition may not be Second or Successive, Rehearing will be granted and remand with instruction for the Lower Federal Court to review the merit of this case under procedural due process.

Respectfully Submitted
Charlene Rosa 60814

Table of Authorities

Case(s)	Page(s)
Scott V. United States 890 F.3d 1239, 1256 (11th Cir. 2018)	2
Vasquez V. Hillary, 474 U.S. 254 (1986)	2
Jackson V. Household Finance Corp. 111, 236, 503d 1170	3
Allyne V. United States, 570 U.S. —, —, 133 S.Ct. 2151, 186 LEd. 2d 314 (2013)	4
Frank V. Blackburn, 646 F.2d 873 (5th Cir. 1980)	4
Miller V. State 814 So. 2d 1131, 1132 (Fla. 5th DCA 2002)	4
Blackburn 646 F.2d at 891	4
Faretta	7
State V. Young 626 So. 2d 655, 657 (Fla. 1993)	7

Statute and Rules

Rule 12.4	1
Rule 44.6	1
Fla. Stat. Ann. §§ 90.803(6), 90.902	3
Fla. Statute 782.04(1)(a)	4
3.850	5
Article 1, Section 16(b)(10)b.	6
Rule 3.111(d)	7
Rule 60(b)	7
First Amendment	7
Fourth Amendment	7
Fifth Amendment	7
Thirteenth Amendment	7
Fourteenth Amendment	7

Other

doctrine of Centra non Valentem/non-trá non va-len tam	3
Supreme Court of Florida Administrative order no. AOSC-19-76,	6

Acknowledgment by an Individual

STATE OF FLORIDA

COUNTY OF Marion

The foregoing instrument was acknowledged before me this 15 day of November, 2021, [Signature]

by Charlene Rosa (Print Name of Signer), who personally appeared

before me and acknowledged that he/she/they signed the instrument voluntarily for the purpose expressed in it.

[Signature]

(Signature of Notary Public-State of Florida)

TINA COLUMBINE
Commission # HH 124172
Expires May 2, 2025
Bonded True & Legitimate Notary Services



Tina Columbine

(Print, Type, or Stamp Commissioned Name of Notary Public)

 Personally Known OR

X Produced Identification

Type of Identification Produced: FPC ID # L06814

Supreme Court of the United States
Office of the Clerk

Charlene Rosa

Supreme Court Case No. 70-8142

V.

No. 70-833

No. 71-3076

State of Florida

Motion Requesting Leave to Proceed
on Rehearing In Forma Pauperis

The Petitioner Charlene Rosa hereby bring her issue to this honorable Supreme Court of the United States, in prose, in necessity, and respectfully moves this Court to grant leave to proceed in forma pauperis on Rehearing.

Ms. Rosa had paid the original filing fee to the district Court and her second-in-time Petition pending on Rehearing in this Court may not be a second or successive Petition. Therefore additional payment may not be required.

Petitioner is indigent and is unable to pay the Courts filing fees.

her grounds present in this Petition for Rehearing is meritorious and deserve address in the interest of justice to correct a Fundamental Manifest Injustice and miscarriage of justice to a innocent Individual, that is apparent on the record.

Whenever her Family or Friend can they send her pet it cash to assist in purchase hygiene and legal postage and writing material not supplied by the prison. NO promise was made. 6 month inmate Trust Fund statement is attached -

Respectfully submitted
Charlene Rosa 606814.

Certificate of Service

I hereby certify that I have placed this motion requesting leave to proceed in forma pauperis on rehearing in the hands of a prison mail room personnel, to be mailed to:

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-001

and to:

Office of the Attorney General
1515 N. Flagler Drive
West Palm Beach, Florida 33401

on this 15th day of November 2021

Charlene Rosa Lob 814
Lowell Annex
11120 NW Gainesville Road
Ocala, Florida 34482.

IBSR140 (74)

FLORIDA DEPARTMENT OF CORRECTIONS
TRUST FUND ACCOUNT STATEMENT
FACILITY: 367 - LOWELL ANNEX
FOR: 12/01/2020 - 05/24/2021

05/24/21
09:32:14
PAGE 2

ACCT NAME: ROSA, CHARLENE
BED: T42011
PO BOX:

ACCT#: L06814
TYPE: INMATE TRUST

POSTED DATE	NBR	TYPE	REFERENCE NUMBER	FAC	REMITTER/PAYEE	+/-	AMOUNT	BALANCE
02/06/21	223	JPAY MEDIA W/D	000091574263	000				
02/08/21	073	CANTEEN SALES	36820210207	000		-	\$0.50	\$39.76
02/08/21	125	PROCESSING FEE	WEEKLY DRAW	000		-	\$17.88	\$21.88
02/18/21	225	JPAY MEDIA W/D	000092457531	000		-	\$0.18	\$21.70
02/19/21	365	JPAY DEPOSIT	127806800	000		-	\$1.00	\$20.70
02/19/21	368	LIEN PAYMENT	021921365412	000	MCPHERSON, KAREN	+	\$60.00	\$80.70
		FED PRISON LITI	- 01/30/2020	2060163		-	\$12.00	\$68.70
02/21/21	129	JPAY MEDIA W/D	000092807243	000		-		
03/03/21	073	CANTEEN SALES	36820210302	000		-	\$1.00	\$67.70
03/08/21	125	PROCESSING FEE	WEEKLY DRAW	000		-	\$18.62	\$49.08
03/08/21	375	JPAY MEDIA W/D	000093964885	000		-	\$0.19	\$48.89
03/11/21	071	CANTEEN SALES	36820210310	000		-	\$1.00	\$47.89
03/14/21	717	JPAY DEPOSIT	128708424	000		-	\$28.91	\$18.98
03/14/21	718	LIEN PAYMENT	031421717636	000	THOMPSON, PAUL	+	\$120.00	\$138.98
		FED PRISON LITI	- 01/30/2020	2060163		-	\$4.60	\$134.38
03/15/21	123	PROCESSING FEE	WEEKLY DRAW	000		-		
03/15/21	541	JPAY MEDIA W/D	000094556765	000		-	\$0.29	\$134.09
03/17/21	534	JPAY MEDIA W/D	000094766174	000		-	\$1.00	\$133.09
03/18/21	577	JPAY DEPOSIT	128902704	000		-	\$1.00	\$132.09
03/21/21	071	CANTEEN SALES	36820210320	000	WATTS, SHELLY	+	\$50.00	\$182.09
03/22/21	123	PROCESSING FEE	WEEKLY DRAW	000		-	\$75.65	\$106.44
03/24/21	073	CANTEEN SALES	36820210323	000		-	\$0.76	\$105.68
03/26/21	073	CANTEEN SALES	36820210325	000		-	\$28.80	\$76.88
03/29/21	071	CANTEEN SALES	36820210328	000		-	\$9.23	\$67.65
03/29/21	123	PROCESSING FEE	WEEKLY DRAW	000		-	\$27.89	\$39.76
04/07/21	262	JPAY MEDIA W/D	000096560960	000		-	\$0.66	\$39.10
04/18/21	119	JPAY DEPOSIT	130182777	000		-	\$2.00	\$37.10
04/21/21	073	CANTEEN SALES	36820210420	000	MCPHERSON, KAREN	+	\$100.00	\$137.10
04/26/21	127	PROCESSING FEE	WEEKLY DRAW	000		-	\$22.14	\$114.96
05/01/21	421	JPAY DEPOSIT	130624756	000		-	\$0.22	\$114.74
05/06/21	071	CANTEEN SALES	36820210505	000	WATTS, SHELLY	+	\$50.00	\$164.74
05/10/21	127	PROCESSING FEE	WEEKLY DRAW	000		-	\$24.71	\$140.03
05/14/21	105	CANTEEN SALES	31420210513	000		-	\$0.25	\$139.78
05/21/21	069	CANTEEN SALES	31420210520	000		-	\$23.95)	\$163.73
05/24/21	129	PROCESSING FEE	WEEKLY DRAW	000		-	\$24.71	\$139.02
						-	\$0.25	\$138.77

ENDING BALANCE 05/24/21

\$138.77

IBSR140 (74)

FLORIDA DEPARTMENT OF CORRECTIONS
TRUST FUND ACCOUNT STATEMENT
FACILITY: 367 - LOWELL ANNEX
FOR: 06/01/2021 - 06/30/2021

07/01/21
08:08:12
PAGE 92

ACCT NAME: ROSA, CHARLENE
BED: T42011
PO BOX:

ACCT#: L06814
TYPE: INMATE TRUST

POSTED DATE	NBR	TYPE	REFERENCE NUMBER	FAC	REMITTER/PAYEE	+/-	AMOUNT	BALANCE
						BEGINNING BALANCE 06/01/21		\$120.51
06/26/21	069	CANTEEN SALES	31420210625	000		-	\$28.83	\$91.68
06/26/21	195	JPAY DEPOSIT	132447615	000	WATTS, SHELLY	+	\$135.00	\$226.68
06/28/21	126	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.29	\$226.39
						ENDING BALANCE 06/30/21		\$226.39

IBSR140 (74)

FLORIDA DEPARTMENT OF CORRECTIONS
TRUST FUND ACCOUNT STATEMENT
FACILITY: 367 - LOWELL ANNEX
FOR: 07/01/2021 - 07/31/2021

08/02/21
08:51:37
PAGE 89

ACCT NAME: ROSA, CHARLENE
BED: T42011
PO BOX:

ACCT#: L06814
TYPE: INMATE TRUST

POSTED DATE	NBR	TYPE	REFERENCE NUMBER	FAC	REMITTER/PAYEE	+/-	AMOUNT	BALANCE
							BEGINNING BALANCE 07/01/21	\$226.39
07/02/21	069	CANTEEN SALES	31420210701	000		-	\$29.01	\$197.38
07/05/21	127	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.29	\$197.09
07/08/21	069	CANTEEN SALES	31420210707	000		-	\$34.58	\$162.51
07/12/21	125	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.35	\$162.16
07/15/21	069	CANTEEN SALES	31420210714	000		-	\$11.90	\$150.26
07/19/21	127	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.12	\$150.14
07/21/21	069	CANTEEN SALES	31420210720	000		-	\$11.59	\$138.55
07/26/21	127	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.12	\$138.43
07/27/21	069	CANTEEN SALES	31420210726	000		-	\$24.61	\$113.82
							ENDING BALANCE 07/31/21	\$113.82

IBSR140 (74)

FLORIDA DEPARTMENT OF CORRECTIONS
TRUST FUND ACCOUNT STATEMENT
FACILITY: 367 - LOWELL ANNEX
FOR: 08/01/2021 - 08/31/2021

09/01/21
06:58:54
PAGE 1010

ACCT NAME: ROSA, CHARLENE
BED: T42011
PO BOX:

ACCT#: L06814
TYPE: INMATE TRUST

POSTED DATE	NBR	TYPE	REFERENCE NUMBER	FAC	REMITTER/PAYEE	+/-	AMOUNT	BALANCE
							BEGINNING BALANCE 08/01/21	\$113.82
08/02/21	125	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.25	\$113.57
08/04/21	071	CANTEEN SALES	31420210803	000		-	\$35.05	\$78.52
08/09/21	124	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.35	\$78.17
08/12/21	067	CANTEEN SALES	31420210811	000		-	\$10.68	\$67.49
08/16/21	123	PROCESSING FEE	WEEKLY DRAW	000		-	\$0.11	\$67.38
08/18/21	065	CANTEEN SALES	31420210817	000		-	\$4.92	\$62.46