

20-8446

No. _____

Supreme Court, U.S.
FILED

JUN 10 2021

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JUN 11 2021

STAFF INITIALS _____

INMATE INITIALS _____

IN THE

SUPREME COURT OF THE UNITED STATES

HEWITT A. GRANT II

(Your Name)

— PETITIONER

vs.

STATE OF Florida

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

DISTRICT COURT OF APPEAL SECOND DISTRICT

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

PETITION FOR WRIT OF CERTIORARI

HEWITT A. GRANT II #H12344

(Your Name)

CALHOUN C.I.
19562 SE INSTITUTION DRIVE

(Address)

BLAINTS TOWN, FLORIDA 32424-5156

(City, State, Zip Code)

(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

1.) CAN PETITIONER BE CONVICTED OF A DOUBLE JEOPARDY CLAIM, OF BEING PROSECUTED AGAIN OF THE SAME EVIDENCE AND OFFENSES THAT PETITIONER WAS ACQUITTED OF AND EVIDENCE RETURN TO him ?

2.) QUESTION (1) VIOLATES U.S. CONSTITUTION FIFTH AMENDMENT. DOES IT ALL SO VIOLATE FLORIDA CONSTITUTION 9 ?

3.) THE STATE OF FLORIDA USED SAME EVIDENCE AND OFFENSES FROM PETITIONER'S 2006 CASE # CF06-000716 IN PETITIONER'S PRESENT CASE # CF14-008299.

DID THIS ACTION VIOLATE RULES AND PROCEDURE FLORIDA STATUTES § 910.11 ? "NO PERSON SHALL BE HELD TO ANSWER ON A SECOND INFORMATION FOR AN OFFENSES AND EVIDENCE FOR WHICH THE PERSON HAS BEEN ACQUITTED" GRANT V. STATE, 978 So. 2d 862 (FLA. 2ND DCA 2008)

4.) AS A UNITED STATES CITIZEN, RESIDENT OF FLORIDA, DID THE STATE OF FLORIDA VIOLATE PETITIONER'S UNITED STATES AND FLORIDA CONSTITUTIONAL RIGHTS ? SAME FACTUAL ALLEGATIONS

LIST OF PARTIES

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

[X] 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:

TENTH JUDICIAL CIRCUIT, JUDGE DONALD G. JACOBSEN

SECOND DISTRICT APPEAL COURT, JUDGES SILBERMAN, ROTHSTEIN-YOUAKIN,
AND ATKINSON

RELATED CASES

GRANT V. STATE, 978 So.2d 862 (Fla. 2nd DCA 2008)

WOODALL V. STATE, 719 So.2d 1 (Fla. 2nd DCA 1998)

WILLIAMS V. STATE, 255 So.3d 464 (Fla. 3rd DCA 2018)

HINSON V. STATE, 709 So.2d 629 (Fla. 1st DCA 1998)

NORDZLO V. STATE, 93 So.3d 178 (Fla. 2012)

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STATUTES AND RULES

UNITED STATES FIFTH AMENDMENT
 UNITED STATES FOURTEENTH AMENDMENT
 FLA. STAT. § 910.11
 FLORIDA CONSTITUTION ART. I § 9

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 C/D 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 SECOND DISTRICT APPEAL COURT court appears at Appendix C/D 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 March 10, 2021.
A copy of that decision appears at Appendix C.

☒ A timely petition for rehearing was thereafter denied on the following date: April 15, 2021, and a copy of the order denying rehearing appears at Appendix D.

☐ 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

UNITED STATES CONSTITUTION, FIFTH AMENDMENT

UNITED STATES CONSTITUTION, FOURTEENTH AMENDMENT

FLORIDA CONSTITUTION, ART. I. § 9

FLA. STAT. § 910.11

STATEMENT OF THE CASE

In 2006, CASE# CF06-000776, PETITIONER WAS CHARGED AND CONVICTED OF Fla. STAT. 828.122 dogfighting.

EVIDENCE USED AGAINST PETITIONER WAS A BOOK CALLED "History of Fighting Dogs", PHOTOGRAPHS OF DOGS, BUSINESS CARDS, PEDIGREES OF DOGS, ADVERTISEMENTS AND DOCUMENTS ALL IN A DUFFEL BAG.

PETITIONER CASE# CF06-000776 WAS ACQUITTED OR REVERSED IN THE SECOND DISTRICT COURT GRANT V. STATE, 978 So 2d 862 C.F.A. 2ND DCA 2008) FOR ILLEGALITIES BY DEPUTIES, WARRANTLESS ENTRY AND SEARCH

In 2014, CASE# CF14-008299, AFTER AN ILLEGAL ENTRY AND DETAINMENT WITHOUT A WARRANT OR PROBABLE CAUSE AND WITHOUT CALLING OUT THEIR PRESENT AND PURPOSE OR MIRANDA WARNING, PETITIONER WAS CHARGED AND CONVICTED OF Fla. STAT. 828.122 dogfighting

EVIDENCE USED BOOK "History of Fighting Dogs", PHOTO'S OF DOGS, BUSINESS ADS, BUSINESS CARDS, RECORDS OF DOGS PEDIGREES, DOCUMENT IN A DUFFEL BAG. SEE EVIDENCE LIST AND REPORTS IN CASES# CF06-000776 AND #CF14-008299, ITEM 2039 DUFFEL BAG

THERE WAS A FORMER PROSECUTION IN 2006 AND A CURRENT PROSECUTION IN 2014 IN THE SAME COUNTY AND STATE, SAME OFFENSES, SAME EVIDENCE, SAME SHERIFF, SAME STATE ATTORNEY AND SAME JUDGES, THAT THIS SAME PERSON "Hewitt Grant" IS IN JEOPARDY ON THE SAME PROSECUTION WITH IDENTICAL PARTIES WITHOUT OUT ANY TIMES, DATES, PLACES OR WITNESSES TESTIFYING TO THE COMMISSION OF A CRIME THAT OCCURRED OR BILL OF PARTICULARS.

PETITIONER IS BEING HELD TO ANSWER A SECOND INDICTMENT, INFORMATION OR AFFIDAVIT FOR Fla. STAT. 828.122 THAT HE WAS ACQUITTED OF, BUT THE THIS DUFFEL BAG OF EVIDENCE HAS BEEN USED AGAIN TO CONVICT AFTER ILLEGAL CONDUCT BY POLICE AND STATE ATTORNEY'S AND JUDGES.

REASONS FOR GRANTING THE PETITION

PETITIONER IS A UNITED STATES CITIZEN, RESIDENT OF FLORIDA AND HIS RIGHTS HAVE BEEN ABRIDGED AND VIOLATED BY THE STATE OF FLORIDA. THE UNITED STATES AND FLORIDA CONSTITUTION PROTECTS PETITIONER FROM DOUBLE JEOPARDY VIOLATIONS AND IS CLEAR WITH FLA. STAT. 3910.11.

HENCE, THE GOVERNMENT WITH ITS OVERWHELMING RESOURCES AND POWER SHOULD NOT BE PERMITTED TO ILLEGALLY ENTER AND DETAIN PETITIONER MULTIPLE TIMES AND MAKE MULTIPLE ATTEMPTS TO CONVICT FOR NONEXISTENT OR NEVER OCCURRED CHARGES OR OFFENSE, USING THE SAME EVIDENCE THAT WAS RETURN TO HIM.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 6-10-2021