

No. 21-1476

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In the  
Supreme Court of the United States

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STEPHEN LOFTIS WHITE,

*Petitioner,*

v.

STATE OF FLORIDA; D/B/A: NICHOLAS B. COX,  
ROBERT C. FINKBEINER, JR., ATTORNEY GENERAL,

*Respondents.*

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On Petition for a Writ of Certiorari to the  
Circuit Court of the Fifth Judicial Circuit  
in and for Lake County, Florida

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PETITION FOR A WRIT OF CERTIORARI

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STEPHEN LOFTIS WHITE

*PETITIONER*

c/o: P.O. Box #324

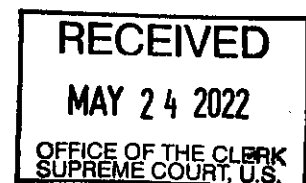
Archer, Florida [32618]

(352) 709-2135

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MAY 20, 2022

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## QUESTIONS PRESENTED

The Lower State Judicial Circuit Court proceeding against this Petitioner lacks subject matter and personal jurisdiction for the reasons below:

1. When the priority secured interest holder, secured party creditor, and Holder-in-due-course asserts his/her claim's over a charged DEFENDANT that is his Birth Certificate Trust Tradename, is there not an estoppel of trial court action?

2. Whether unsworn statements by a Prosecutor in open court at a jurisdictional challenge hearing has any weight at all, or is it considered the Judge ruling in favor of the prosecutor and violates the "Accardi Doctrine"?

3. Does the STATE OF FLORIDA have plenary unlimited authority against a "transient foreigner" and "stateless person" [as defined in 28 U.S.C. § 1332(d), 4 U.S.C. § 110 (d)]?

4. By what authority does the Prosecutor as Trustee to close the account of the Corporate Fiction have to NOT close the account of the Trust created through the U.S. Strawman/Social Security Account ENTITY, when all outstanding commercial charges have been lawfully discharged?

5. During the collateral attack against Jurisdiction as this Petitioner has done by his U.S. District Court action against agents of the STATE OF FLORIDA herein, was or is it the prosecutor's duty and obligation to provide ALL the facts that establish the court's personal jurisdiction against himself as a man, and place them upon the record?

6. What authority does the Prosecutor have to "charge" White; a living sentient being, when he has filed and proven with authenticated documents (that have never been sufficiently rebutted by sworn testimony), the clear distinction between the official "corporate fiction" name charged on the Charging Instrument?

7. What authority does the STATE OF FLORIDA's Court's have to prosecute a court case that has been discharged by the Appellant's lawful and appropriate commercial redemption remedy?

## **PARTIES TO THE PROCEEDINGS**

### **Petitioner**

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- Stephen Loftis White

### **Respondents**

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- State of Florida
- Nicholas B. Cox
- Robert C. Finkbeiner, Jr., Attorney General

## LIST OF PROCEEDINGS

Circuit Court of the Fifth Judicial Circuit  
in and for Lake County, Florida

No. 2019-CF-468

Stephen Loftis White, *Petitioner*, v.  
State of Florida, *Respondent*

Date of Final Order: September 17, 2020

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District Court of Appeal of the  
State of Florida, Fifth District

No. 5D20-1938

Stephen Loftis White, *Petitioner*, v.  
State of Florida, *Respondent*

Date of Final Order: November 17, 2020

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Supreme Court of Florida

No. SC20-1850

Stephen Loftis White, *Petitioner*, v.  
State of Florida, *Respondents*

Date of Final Order: December 21, 2020

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United States District Court  
Middle District of Florida Ocala Division  
No. 5:21-cv-11-CEM-PRL

Stephen Loftis White, *Plaintiff*, v.  
Nicholas B. Cox, Robert C. Finkbeiner, Jr.,  
and Ashley Moody, *Defendants*

Date of Final Order: April 12, 2021

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United States Court of Appeals for the Eleventh  
Circuit

No. 21-11337

Stephen Loftis White, *Plaintiff-appellant*, v.  
Nicholas B. Cox, Robert C. Finkbeiner, Jr., Attorney  
General, State of Florida, *Defendants-appellees*

Date of Final Opinion: November 29, 2021

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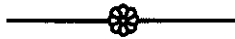
The Order on Defendant's Motion to State and Prove Jurisdiction on the Official Record is reproduced at App.1a. The Order on Appeal to the District Court of Appeal of the State of Florida Fifth District is reproduced at App.4a. The Order from The Supreme Court of Florida is reproduced at App.6a. The Decision/Order from United States District Court for the Middle District of Florida is reproduced at App.15a. The Decision/Order from United States Court of Appeals for the Eleventh Circuit is unreported and reproduced at App.18a.



### JURISDICTION

On September 17, 2020, Defendant's Motion to State and Prove Jurisdiction on the Official Record was denied by the Circuit Court of the Fifth Judicial Circuit in and for Lake County, Florida. White objected timely and then filed an Appeal to challenge that certain due process, equal protection, and separation of powers issues were violated by the Judicial Circuit Court. On November 17th, 2020, the District Court of Appeal for the State of Florida Fifth District denied on the merit's White's Appeal Brief which they previously converted into a Petition for Writ of Prohibition. On December 21, 2020, the Appeal to the Supreme Court of Florida was dismissed by Order of the Clerk of the Supreme Court. On April 12, 2021, the United States District Court for the

Middle District of Florida issued its order dismissing White's case. On November 29, 2021, the Court of Appeals for the Eleventh Circuit issued its order affirming the Middle District Court's dismissal. This petitioner then timely filed a Petition for Writ of Certiorari pursuant to Supreme Court Rule 13 on February 25, 2022 by service through United States Postal Service. On March 2, 2022, the Clerk of the U.S. Supreme Court under Rule 14.5, extended the time to file a petition for a writ of certiorari to May 2, 2022. This Court has jurisdiction under 28 U.S.C. § 1254(1).



### **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

The constitutional provisions and statutes involved are set forth in the appendix to this petition are:

- (1) Florida Constitution; Article I: Declaration of Rights ("equal before the law"); Section 9 (Due Process) (App.23a)
- (2) U.S. Constitution, Fourteenth Amendment, Due Process clause (App.23a)
- (3) Florida Constitution, Article I, Section II (Basic Rights, "equal before the law and have inalienable rights") (App.23a-24a)
- (4) U.S. Constitution, 14th Amendment, Equal Protection Clause (App.24a)
- (5) Florida Constitution; Article II: General Provisions; Separation of Powers clause (App.24a)



- (6) U.S. Constitution; Separation of Powers (Articles I, II, III in particular: Article I, Section 7; United States Constitution Article II, Section 1, Clause 1; Article II, Section 2, Clause 2; U.S. Constitution, Article III) (App. 24a-28a)
- (7) Rules: FL Stat § 90.101-958; Florida Evidence Code (2019); especially in particular, 90.804 Hearsay exceptions and 90.902 Self-Authentication; and FL Stat § 92.525 (2019-2020); and the Federal Rules of Evidence, especially that directly apply are 801, 802, 803, 804, 807, 901, 902.



## INTRODUCTION

Now Comes Aggrieved Party (U.C.C. § 1-201(2)) Stephen-Loftis: White©™, Sui Juris, Secured Party (U.C.C. § 9-105), NON-PERSON (U.C.C. § 1-201(27)), NON-RESIDENT, NON-DEBTOR (28 U.S.C. § 3002 (4), NON-CORPORATED, NON-FICTION, NON-SUBJECT, NON-PARTICIPANT in any government programs, a Living flesh-and-blood man standing on the land/ground, NON-CITIZEN, under a "Restricted Appearance" (Federal Rule E(8)), NON-DEFENDANT (U.C.C. § 1-201(14), Holder-In-Due-Course (U.C.C. § 3-302(A)(2) of all papers, collateral, and documentation (U.C.C. § 5-102(6)) of the "Entity" Cestui Que Vie trust and Corporate Fiction: STEPHEN LOFTIS WHITE©™ (hereinafter "White").

White's status stated herein is replicated in his Florida UCC financing statement, filing numbers

201908018044 and 201908284577 in the FLORIDA SECURED TRANSACTIONS REGISTRY. Attached to said UCC's are an *Affidavit of Specific Negative Averment* rebutting all presumptions of jurisdiction in cause # 2019-CF-468 IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT IN AND FOR LAKE COUNTY, FLORIDA (and any/all derivatives) with Apostille Certification #2020-31362 from Laurel M. Lee, in her official capacity as the Secretary of State of Florida. In addition, White has recorded a *Legal Notice and Demand with Definitions*, declaring his status and rights with relation to the STATE OF FLORIDA; and other related matters, with Apostille Certification #2019-107868. Said documents were disclosed to the Prosecution, and are admissible under FRCP 26(b)(1) and are considered verified under FL Stat § 92.525 (2019-2020); self-authenticating under FL Stat § 90.902 (2019- 2020) and Federal Rules of Evidence 901, 902. In addition, said documents are exceptions to the hearsay rules of both the state Rules of Evidence FL Stat § 90.101-958; and Federal Rules of Evidence; especially 801, 802, 803, 804-807. Said documents comply with legal standards for verification and/or authentication, and the Respondents listed in this petition have not attempted any rebuttals so far.

The Maxim of Law that "an Unrebutted Affidavit is Truth" is also codified in the rules of procedure. Said documents without rebuttal under oath by a competent witness or with contradictory documents, leave White's exhibits as "Undisputed Material Facts" for purposes of Summary Judgment, Jury Trial, and any/all Appellate Review. Non-Rebutted Affidavits are Prima Facie Evidence in the Case. "Indeed, no more than (Affidavits) is necessary to make the *Prima*

*Facie Case.*" 50 U.S. L.W. 2169; S.Ct. March 22, 198  
 "Uncontested Affidavit taken as true in support of  
 Summary Judgment." *Seitzer v. Seitzer*, 80 Rptr. 688  
 "Uncontested Affidavit taken as true in Opposition of  
 Summary Judgment." *Melovich Builders, Inc. v.*  
*Superior Court* (Serabia) (1984) 160 Cal.App.3d 931,  
 207 Cal.Rptr. 47

The Judge also Erred by interpreting White's  
 denied Motion as merely 1.) "a request to have Juris-  
 diction stated on the record" and 2.) "Motion to  
 dismiss"; but lacking in the Judge's "FINDINGS"  
 discusses White's word "Proof" expressed clearly in  
 the title and body of his denied Motion. Proof means  
 "evidence sufficient to establish a thing as true"  
 [dictionary.com]; and in BLACKS LAW DICTIONARY  
 2nd Edition: "The necessity or duty of affirmatively  
 proving a fact or facts in dispute on an issue raised  
 between the parties in a cause." The term "burden of  
 proof" is not to be confused with "prima facie case."  
 "When the party upon whom the burden of proof rests  
 has made out a prima facie case, this will, in general,  
 suffice to shift the burden. In other words, the former  
 expression denotes the necessity of establishing the  
 latter."

With said affidavits and records filed into the  
 case, White filed a MOTION TO STATE AND PROVE  
 JURISDICTION ON THE OFFICIAL RECORD.  
 By doing so, White exercised his right under the AC-  
 CARDI DOCTRINE (*United States ex. rel. Accardi*  
*v. Shaughnessy*, 347 U.S. 260) for the Prosecutor to be  
 required to admit Proof in a legally sufficient manner,  
*i.e.* in the form evidence that third-party's can actu-  
 ally bear responsibility for veracity of statements (be  
 charged with Perjury for lying, be charged with Forgery

for fake or altered documents, etc). "Proof" in a legal motion is obviously not meant to be "colloquial slang outside of court", but was clearly intended to push the letter of the law following the Florida Evidence Code and/or Federal Rules of Evidence and all legal standards.

White's affidavits were "... authorized to be recorded or filed, and actually recorded or filed, with a governmental agency ..." on public record by the State of Florida's designated procedure (see FL Stat § 90.955 (2019-2020)). White's affidavit documents were approved, signed, and sealed by the Florida Secretary of State with an Apostille; which further makes White's declarations in said documents are self-authenticating according to both Rules of Evidence (FL Stat § 90.902 Self-Authentication; or Federal Rules of Evidence 901-902). To this present day, these records still stand as factual truth and always will unless rescinded by White or until proven otherwise by legally sufficient evidence.



## STATEMENT OF THE CASE

Petitioner has asserted the Accardi Doctrine and more of his due process rights in a pre-trial criminal proceeding. The Circuit Court of the Fifth Judicial Circuit in and for Lake County, Florida had a hearing on Defendant's said motions, and signed an official order subsequent to that hearing in which it says that it has "provided the Defendant with a response on the record" [emphasis added], rather than providing legally sufficient proof.

"Providing a response" and proving under the strictest sense of the law, are not at all the same, not even close. Proof means a standard that fits within the Rules of Evidence as codified and used in either State or Federal court (both Rules all Federal and State Courts use are exactly the same, just codified differently at the federal and state levels). By not providing proof, White's due process rights are not being honored. White wishes to push the record and maintain his due process right to require legally-sufficient proof to be presented and proven (proof requires a sworn statement by somebody, in person under oath, or on an official document or declaration, such as an affidavit and in which is not contraindicated by another's sworn and admitted record).

"A response" is not the same as an affidavit or verified document that can attest something in particular. The Circuit Court is trying to allow unsworn arguments by Attorney for one of the party's, to be sufficient to bypass known and obvious requirements for admitted evidence, and then calls this "a response"

rather than “proof” because it absolutely knows it is not fitting the agreed definition of “proof” in a court setting. From the Circuit Court’s order on September 17, 2020:

“In addition, the Court finds that the arguments presented in open court by the Office of Statewide Prosecution established the bases, under the Florida Constitution and the pertinent Florida Statutes, for this Court’s jurisdiction in this action.” [see App.3a]

It must be noted that in some of the “FINDINGS” of the Circuit Court detailed in it’s September 17th Order, it has written incorrectly about the hearing’s contents, which were done on a ZOOM video conference. In the Circuit Court’s order, it is written that “The Defendant apparently does not recognize the sovereignty of the State of Florida . . .”. The Defendant never contested the actual existence of the State, however he has instead argued, that despite a State existing as a Corporate body, that does not automatically grant plenary power to unilaterally charge any human anywhere in the world through it’s system of bringing official criminal charges.

In addition, during said Jurisdictional hearing, the Judge nor prosecutor did not rebut or object in any way to White’s records showing there are two distinctly different entities called the “State of Florida” and “STATE OF FLORIDA”, as well as “Stephen-Loftis: White” and “STEPHEN LOFTIS WHITE” (one a Corporate Fiction and Transmitting Utility; and the other a sentient living human being) fully supported by the Court’s admitted records.

The Defendant has asserted basic fundamental rights to demand proof of it's alleged jurisdiction over him in this particular matter, that being subject-matter jurisdiction personal jurisdiction. The Prosecutor for the Office of Statewide Prosecution can not be a witness in the case he is prosecuting. The Prosecutors for the State have not and never have admitted any official evidence to support it's jurisdictional arguments, nor have they rebutted any of White's unrebutted sealed and filed affidavits, declarations, and UCC's. All they did was show up to a ZOOM hearing, and "speak"—not under oath—and when doing so, dodging the direct question and challenge.

#### **A. Unanswered Jurisdictional Issues.**

As the Plaintiff it was the Prosecutor's responsibility to prove it's alleged jurisdiction on the record. Without legally-sufficient proof existing on the record, where a judge arbitrarily states the court has jurisdiction, he is violating the defendant's right to due process, equal protection of the law, and separation of powers. From the state Circuit Court Judge's order: ". . . the Court finds that the arguments presented in open court by the Office of Statewide Prosecution established the bases, under the Florida Constitution and the pertinent Florida Statutes, for this Court's jurisdiction in this action." [emphasis added] The court's order admits, in it's own words, that it based it's decision on argument by counsel for the State, and *not* based on certified evidence or sworn testimony. In fact, none of the testimony that the Judge heard at the jurisdictional hearing was ever certified or under oath. Therefore, each of all the elements of jurisdiction was in fact never "proven" as the law requires. "Statements of counsel in brief or in argu-

ment are not facts before the court and are therefore insufficient for a motion to dismiss or for summary judgment.” *Trinsey v. Pagliaro*, D.C.Pa. 1964, 229 F.Supp. 647. Also in *Trinsey*: “An attorney for the plaintiff cannot admit evidence into the court. He is either an attorney or a witness . . . Where there are no depositions, admissions, or affidavits the court has no facts to rely on for a summary determination. . . .”

In addition, the Circuit Court order says: “To the extent the Motion seeks a statement of the basis for, and proof of, this Court’s jurisdiction on the official record as the title of the Motion indicates, at the hearing the Court provided the Defendant with a response on the record. [emphasis added]” A “response” is not proof unless it is testimony under oath, certified documents or public records that fit under the Rules of Evidence (FL Stat § 90.101-958; Florida Evidence Code (2019), especially 90.804 Hearsay exceptions and 90.902 Self-Authentication; (the Federal Rules of Evidence that directly applies are 801, 802, 804, 807, 901, 902).

A judge has a duty to know the law, know the rules of evidence, and adhere to legally sufficient proof based upon evidence, rather than hearsay such as mere statements by counsel like an attorney. In this matter, in the Circuit Court of the Fifth Judicial Circuit in and for Lake County, Florida—a hearing and “Findings” were issued on September 17th, 2020 by the Judge in Chambers after the oral argument hearing in which both White and the Prosecutor participated. The court issued its subsequent order based entirely on hearsay statements by an attorney, that being the Prosecutor.



At this hearing, some (hearsay) elements of subject-matter jurisdiction and territorial jurisdiction were touched upon (not under oath, nor with any admitted evidence, nor sworn in witnesses). For the Prosecutors and Attorney General allegedly having personal jurisdiction over White that was never asserted. Their statements, even if they were under oath and admissible, only touch upon how the State of Florida and Office of Statewide Prosecution have come to exist, and evolve from the Florida Constitution. Just because a state has a Constitution, does not mean that it has plenary power over someone or something, especially in the case of White having presented his status stated in his records.

Personal jurisdiction is by far the strongest claim for White yet this was ignored by the Lower court, despite records and evidence in the courts record that fit precisely into the State's and Federal Rules of Evidence such as: "Records of a Regularly Conducted Activity", "Public Records. A record or statement of a public office . . .", "Records of Documents That Affect an Interest in Property", "Statements in Documents that Affect an Interest in Property", "Evidence About Public Records", "Domestic Public Documents That Are Sealed and Signed", "Certified Copies of Public Records", "Certified Domestic Records of a Regularly Conducted Activity" . . .

White's UCC filings, including Affidavits with Apostille Certifications bearing the Official Seal of the Florida Secretary of State, along with Affidavits and Filings into Judicial Circuit Court Cause # 2019-CF-468 as an exception to the rules on hearsay AND self-authenticating evidence; all of which *show prima facie evidence in White's favor*. However, it is not

White's duty to prove anything as the burden is on the Prosecutor.

Unrebutted affidavit's posted in the officially-designated State's record-keeping system (UCC's) and in the Lower court's docket have all not been rebutted by any witness, nor any documents been introduced into the court's record that are signed under penalty of perjury by any party in support of the "proof" of alleged personal jurisdiction. Nor has any certified document to the contrary of White's status as a Secured Party of record been introduced/admitted by the Prosecution.

Petitioner White has timely objected and appealed, and has exhausted his administrative remedies in the state court system, having filed a very detailed and thorough appeal touching on how actual evidence must be used for any judgment(s) and is the cornerstone for all "proof" in court. White lost his appeal on the merits and then filed with the Florida Supreme Court but was turned down.

White then took a collateral attack against the STATE OF FLORIDA agents via filing an action as the Plaintiff in Federal Court, and has laid out numerous reasons why the Federal Court has jurisdiction to hear the case because among other things, the Federal Court has the authority to review a federal question, as in this case, the State Court's denial of White's due process, stemming from a refusal to require the State's proof of jurisdiction asserted, is exactly a case of State Actions "... invalid as repugnant to the Constitution, treaties or laws of the United States. ..." Statutes authorizing appeals are to be strictly construed. *Silkwood v. Kerr-McGee Corp.*, 464 U.S. 238, 247 (1984). *Perry Education Assn. v. Perry*

*Local Educator's Assn.*, 460 U.S. 37, 43 (1983). As noted in *Silkwood*, *supra*, at 247, "We have consistently distinguished between those cases in which a state statute is expressly struck down as repugnant to the Constitution, treaties, or Laws of the United States, and those case(s) in which an exercise of authority under state law is invalidated without reference to the state statute(s)."

This Federal Court has jurisdiction under Article III of the U.S. Constitution, in which federal courts can hear "all cases, in law or equity, arising under this Constitution . . ." U.S. Const. Art III, Sec 2. The Supreme Court has interpreted this clause broadly, finding that it allows federal courts to hear any case in which there is a federal ingredient. *Osborn v. Bank of the United States*, 22 U.S. (9 Wheat.) 738 1824. In addition, requirements of 28 U.S.C. § 1331 are also met—this federal court has jurisdiction because it "arises under" federal law and constitutes exactly as "suit arises under the law that creates the cause of action" *American Well Works v. Layne*, 241 U.S. 257 (1916), and is NOT of state statute origin. *Louisville & Nashville R. Co. v. Mottley*, 211 U.S. 149 (1908).

In this case, the State Court's denial of White's due process, stemming from a refusal to require the State's proof of jurisdiction asserted, is exactly a case of State Actions " . . . invalid as repugnant to the Constitution, treaties or laws of the United States. . . ." Statutes authorizing appeals are to be strictly construed. [*Silkwood v. Kerr-McGee Corp.*, 464 U.S. 238. 247 (1984).] *Perry Education Assn. v. Perry Local Educator's Assn.*, [460 U.S. 37, 43 (1983)].

It is White's right to challenge jurisdiction, even years later, and it is the Prosecutor's duty to prove it exists. These holdings about jurisdiction have already been settled, and the lower courts as well as this Court are being given Judicial Notice of the following:

- (a) "The law provides that once the State and Federal jurisdiction has been challenged, it must be proven." *Main v. Thiboutot*, 100 S.Ct. 2502 (1980) [emphasis added];
- (b) "Once jurisdiction is challenged, it must be proven." *Hagans v. Lavine*, 415 U.S. 533 [emphasis added];
- (c) "Where there is absence of jurisdiction, all administrative and judicial proceedings are a nullity and confer no right, offer no protection, and afford no justification, and may be rejected upon direct attack." *Thompson v. Tolmi*, 2 Pet. 157, 7 L.Ed. 381; *Griffith v. Frazier*, 8 Cr. 9, 3 L.Ed. 471
- (d) "No sanctions can be imposed absent proof of jurisdiction." *Standard v. Olsen*, 74 S.Ct. 768; Title 5 U.S.C. § 556 and 558(b) [emphasis added];
- (e) "The proponent of the rule has the burden of proof." Title 5 U.S.C. § 556(d) [emphasis added];
- (f) "Jurisdiction can be challenged at any time, even on final determination." *Basso v. Utah Power & Light Co.*, 495 2nd 906 at 910.
- (g) "When jurisdiction challenges the act of a Federal or State official as being illegal, that official cannot simply avoid liability based

on the fact that he is a public official.”  
 [United States v. Lee, 106 U.S. 196, 220, 221,  
 S.Ct 240, 261].

“Jurisdiction, once challenged, is to be proven, not by the Court, but by the party attempting to assert jurisdiction, the burden of proof of jurisdiction lies with theasserter [emphasis added]. The Court is only to rule of the sufficiency of the proof tendered” see *McNutt v. GMAC*, 298 U.S. 178. The origins of this doctrine of law may be found in *Maxfield’s Lessee v. Levy*, 4 U.S. 330 (1797).

The Prosecutor has the duty to place all fact(s) of jurisdiction upon the record as a necessary requirement of due process of law. A Court “cannot confer jurisdiction where none exists and cannot make a void proceeding valid.” *Gowdy v. Baltimore and Ohio R.R. Company*, 385 III. 86, 92, 52 N.E.2d 255(1943)] Without evidence, no such jurisdiction can be presumed to exist.

The record of the court in both cause #2019-CF-468, and it’s Appeals; show silent and tacit acquiescence of the STATE OF FLORIDA and it’s agent’s being sued/challenged herein; therefore they are in default to specific stipulated facts. His/her default was by choice, and comprises his/her agreement to be bound by the admitted facts for purposes of summary judgment, decision, or other determination.

In addition, the prosecutor agreed to be bound by all the terms of White’s offered trust contract and waives all rights or recourse, appeal, objection, protest, claim or controversy having had opportunity and failed to state and prove jurisdiction on the record. The Respondents herein have defaulted, gone silent,

and tacitly acquiesced to the un rebutted facts admitted in the record between the parties.

**B. Overall Facts.**

Aggrieved Party, Stephen-Loftis: White, Sui Juris, has duly Accepted For Value, filed and Registered with the Secretary of Treasury, the Division of Corporations Uniform Commercial Code Division, among others, his Birth Registration Documents in accordance with House Joint Resolution 192 of June 5, 1933 and U.C.C. § 1-104 & U.C.C. § 10-104, as well as Chapter 48 48.STAT 112; thereby, and further herein re-vesting to Grantor Title of all property in accordance with 26 C.F.R. § 1.676A-1, to include any and all Power of Attorney under 26 C.F.R. § 601.503, which were displaced due to fraudulent inducements to transact business and nondisclosure of material facts and legal ramifications.

It has been further found and determined that the Application for Birth Registration, the live Birth Report, and issuance of a "Certificate of Live Birth" are all one of the same insured "Security Instruments" as articulated in U.C.C. Article 8, Section 103 & 105, and do not have any "Authorized Signatures" thereon, (Article 2, Sec. 401) and are therefore "Counterfeit Securities" further warranting the return thereof.

Furthermore, a "Application for a Social Security Card, Form SS-5" was fraudulently induced through continuous actions into the jurisdiction of the Federal & State Government by way of the before mentioned contracts/forms thereby altering my citizenship as a real free-born human being within the Republic, held under Article II, 1 c. 1.5. Form W-8BEN has been filed with the Secretary of State/with [www.FloridaUCC.com](http://www.FloridaUCC.com),

which is the official designee of the Florida Secretary of State for all public UCC records. In addition, said records have been deposited and furnished to The United States of America Treasury and to Secretary of Treasury in Puerto Rico showing/claiming a filed W-8BEN; "Certificate of Foreign Status of Beneficial Owner . . . "; for White has become Holder-In-Due-Course to any/all document(s) of the fraudulent filing(s) of the CORPORATE Fiction of: STEPHEN LOFTIS WHITE.

Aggrieved Party, Stephen-Loftis: White, has rescinded all contracts with all Court(s) be they "STATE" and/or Federal; and rescinded known or unknown involvement with any/all Government program(s) set forth with any/all Government Agencies; and does not rely on and/or accept anything from the Government nor the "STATE OF FLORIDA" entity.

The STATE OF FLORIDA and it's agents has went silent and has refused to answer any/all requests about jurisdiction. Jurisdiction, once challenged, is to be proven, not by the Court, but by the party attempting to assert jurisdiction, the burden of proof of jurisdiction lies with theasserter. The Court is only to rule of the sufficiency of the proof tendered, *see McNutt v. GMAC*, 298 U.S. 178. The origins of this doctrine of law may be found in *Maxfield's Lessee v. Levy*, 4 U.S. 308, 330 (1797).

**C. The Accardi Doctrine Was Violated by the Judicial Circuit Court.**

The U.S. Supreme Court has provided a law or doctrine that gives the Petitioner a legal remedy for the Prosecutor's failure to comply it is called the "Accardi Doctrine" which set precedent established

by the U.S. Supreme Court. "A Government Agency being the prosecutor must . . . Scrupulously observe rules of procedures which it has established, and when it fails to do so, its action cannot stand, and courts will strike it down." *United states ex. Rel., Accardi v. Shaughnessy*, 347 U.S. 260; *United States v. Heffner*, 420 F 2d 809.

The due process of Jurisdiction being questioned is clear and well settled law, and has been exhaustively petitioned in and throughout the Appellant's original pleadings. "Mere "good faith" assertions of power and authority (jurisdiction) have been abolished."

**D. The Judicial Circuit Court Did Not Follow the Rules of Evidence.**

White has strictly and expressly objected to the heresay of each and every unverified unsworn statement by the Prosecutor regarding his allegation of Jurisdiction. No verified or sworn declarations have been made thus far. Florida Evidence Code [and/or Federal Rules of Evidence ("FRE") 801 and 802 specifically define hearsay and provide that this type of evidence is generally not admissible unless an exception exists. And this rule is consistent with the understanding that a witness relaying another person's statement or actions can be less reliable than a first-hand account. Notably, however, the exemptions and exceptions to the rule against hearsay are as important as the rule itself. The Rules of Evidence explicitly dictate that hearsay/second-hand evidence may be admissible, depending on its use, purpose, and the circumstances under which the testifying witness became aware of its existence. Florida Evidence Code [& FRE 803] alone lists 23 exceptions to the rule against hearsay and even more exceptions exist [under



Rules 804-807]. So far the Prosecutor's statement a) are not sworn testimony as a witness; and b) if were sworn under oath, do not fit the Rules of Evidence; and c) it is settled law that a Prosecutor can not also be a witness in a case he is prosecuting.

**E. The Prosecutor Himself Cannot Be a Witness.**

"In legal prosecution, all legal requisites must be complied with to confer jurisdiction on the court in criminal matters, as district attorney cannot confer jurisdiction by will alone." *People v. Page*, 667 N.Y.S. 2d 689, 177 Misc.2d 448 (1998)

"The prosecutor is not a witness; and he should not be permitted to add to the record either by subtle or gross improprieties. Those who have experienced the full thrust of the power of government when leveled against them know that the only protection the citizen has is in the requirement for a fair trial." *Donnelly v. Dechristoforo*, 1974 S.Ct. 41709 ¶ 56; 416 U.S. 637 (1974).

"In determining whether such rights were denied, we are governed by the substance of things and not by mere form" *Simon v. Craft*, 182 U.S. 427 (1901) ID . . . "An attorney for the plaintiff cannot admit evidence into the court. He is either an attorney or a witness . . . Where there are no depositions, admissions, or affidavits the court has no facts to rely on for a summary determination. . . ." *Trinsey v. Pagliaro*, D.C. Pa. 1964, 229 F. Supp. 647. All Witnesses must be sworn in otherwise their testimony is without merit and inadmissible.

**F. Due Process Clause of Both Florida Constitution and U.S. Constitution Violated.**

As laid out here henceforth, White alleges that his Due process rights were violated under both the Florida Constitution; Article I; Section 9 Due Process Clause; and the U.S. Constitution, Fourteenth Amendment, Due Process Clause.

These Due Process Clauses exists to contest certain issues on Appeal even if the Defendant, entered an unconditional guilty plea. Since a rule of Procedure cannot abrogate a constitutional right, the Advisory Committee's note on Rule II specify that Rule II (a) (2) "has no application" and should not be interpreted as either broadening or narrowing procedures for its application. [18 U.S.C. App., at 912].

**G. Separation of Powers Violated**

The Judicial Circuit court denied his MOTION TO STATE AND PROVE JURISDICTION ON THE OFFICIAL RECORD after an oral hearing on the matter. At said hearing, the Prosecutor admitted no new admissible evidence in neither documents or witnesses. Although the prosecutor made statements, he did not swear in under oath. Judge Metz also violated separation of powers by speaking as the Acting Prosecutor's during the hearing. Since the Judge is Judiciary branch (a neutral referee), and the Prosecutor is the Executive branch appointed by the Attorney General, who is appointed by the Governor. By the Judge playing both sides simultaneously, this is also a violation of due process; and the ACCARDI DOCTRINE set by the U.S. SUPREME COURT. The hearing was essentially a "good faith assertion" without any admissible evidence.

The weight of White's evidence clearly outweighs the Prosecutors lack of evidence on the issue of proofs of jurisdiction over White. By denying the Motion, Judge Metz acted outside the bounds of his lawful discretion and ministerial duty in the matter.

White herein alleges that his rights to a fair and independent tribunal, protected under the Florida Constitution; Articles I, II, and III: General Provisions; Separation of Powers clause; as well as the U.S. Constitution; Separation of Powers clauses (Articles I, II, III); were subsequently violated, by all reasons stated herein.

#### **H. Equal Protection Clause Violated.**

Everyone else's criminal or civil matters requires proof as per the rules of evidence. By not holding the same standard for White, and the Court allowing a lower standard—"a response" by the prosecutor for a case he is prosecuting and all without being sworn in) rather than legal proof—his equal protection rights are clearly violated. This type of discrimination allows White to be bamboozled with a kangaroo court when everyone else is allowed to a fair tribunal. Therefore, there is clearly violation of White's Equal Protection under the U.S. and Florida Constitution(s).

#### **I. Robert C. Finkbeiner, Jr., Nicholas B. Cox, and Judge Metz Had a Fiduciary and Ministerial Duty as Public Officers and This Was Violated.**

All public officials in receipt of a question about their delegate authority to act are required by their Oath of Office to answer. Notification of legal responsibility is "the first essential of due process of law." "Silence can only be equated with fraud where there

is a legal or moral duty to speak or when an inquiry left unanswered would be intentionally misleading." *U.S. v. Tweel*, 550 F.2d 297. All government actors operate in a fiduciary/trustee capacity in particular, an in specific, in a courtroom situation, the court case itself is a trust; the named defendant, which is always a fictional entity in ALL CAPITAL LETTERS, is the trust itself. All public officials. . . . are under ministerial duty . . . and "Being Fiduciaries, the ordinary rules of evidence are reversed." *Butz v. Economou*, (US) 98 S.Ct. 2895, *Davis v. Passman*, (1979, US) 442 U.S. 226, 99 S.Ct. 2264.

"[The law will protect an individual who] . . . in the prosecution of a right does everything which the law requires him to do, and he fails to attain his right by the misconduct or neglect of a public officer, the law will protect him". *Lyle v. Arkansas*, 9 Howe 314, 13 L.Ed 153, *Duluth & Iron Range Co. v. Roy*, 173 U.S. 587, 19 S.Ct 549, 43 L.Ed 820

"It is a maxim of the law, admitting few if any exception's, that every duty laid upon a public officer for the benefit of a private person is enforceable by judicial process." *Butterworth v. U.S. ex rel. Hoe*, 112 U.S. 50, 5 S.Ct 25, 28 L.Ed 656

#### **J. A Void Judgment Has No Effect.**

This court not only has the authority to declare the Prosecutor's "charging instrument" a void judgment, and order it discharged. "All proceedings founded on the void judgment are themselves regarded as invalid." *Ripley v. Bank of Skidmore*, 198 S.W.2d 861 (Mo. 1947) THE CIRCUIT COURT OF THE FIFTH JUDI-

CIAL CIRCUIT IN AND FOR LAKE COUNTY, FLORIDA ruled in error by denying the MOTION TO STATE AND PROVE JURISDICTION ON THE OFFICIAL RECORD for all the reasons so stated. Therefore, THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA FIFTH DISTRICT has ruled in error; and this SUPREME COURT OF THE STATE OF FLORIDA is now being requested to Declare the District Court of Appeal ruled in error; also to order the original Judicial Circuit Court to correct it's errors by issuing a order that it must strictly follow all of the proper Rules of Evidence and Procedure as outlined herein in regards to attempting to prove it's jurisdiction over Petitioner White; and that it must strictly honor and follow the Accardi Doctrine of the U.S. Supreme Court.



### REASONS FOR GRANTING THE PETITION

By not requiring "proof" and instead substituting "providing a response" instead, the Judicial Circuit court did not prove jurisdiction. Therefore, the Accardi Doctrine has not been followed by the Judicial Circuit Court. Therefore, White's due process rights guaranteed under both the Fourteenth Amendment to the U.S. Constitution and the Florida Constitution were violated. As were both federal and state Separation of Powers and equal protection clauses.

If the Supreme Court does not intervene, it would allow this and other unlawful situations in state court's go unchecked and would also violate important due process rights and Constitutional protections of

the accused. The Supreme Court has an obligation to make sure that the lower court's follow their own rules, namely, the Rules of Evidence by state courts at the state court level. Defendant's due process rights should not be able to ever again be violated by a state court who can simply "provide a response" as a clever trick to bypass a pre-trial defendants due process right to challenge jurisdiction. If jurisdiction is no longer going to be required to be proven when demanded, then the entire justice system is thrown on it's head and anybody can just prosecute anybody without any need to show proper authority to do so, and faith in the justice system will diminish as a result.



## CONCLUSION

After timely objecting and always preserving his right to Appeal, White has exhausted his remedies in State Court and has tried an action in U.S. District Court to assert his due process rights. Now that all other remedies are exhausted, the only remedy available is for the U.S. Supreme Court, as the court of last resort, to protect those rights.

White, as an aggrieved party who has exhausted all other administrative remedies, requests this Supreme Court to provide Declaratory and Injunctive Relief such as an order requiring said lower state Judicial Circuit Court be compelled to require the Prosecutor/Plaintiff's to prove it's asserted jurisdiction with certified documents, witnesses under oath, or other documents like affidavits under penalty of

perjury. The Court must obey it's own rules and in particular, it's own rules of evidence.

Judicial Circuit Court's Judge Metz' September 17, 2020 order is VOID. Said void order(s) from the lower state court can be circumvented by collateral attack or remedied where jurisdictional was challenged from the beginning.

Respectfully submitted,

Stephen-Loftis: White  
*PETITIONER*  
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MAY 20, 2022