

21-5052

Supreme Court, U.S.  
FILED

JUN 28 2021

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IN THE  
SUPREME COURT OF THE UNITED STATES

WALTER DRUMMOND - PETITIONER

VS.

THE STATE OF FLORIDA - RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO  
(~~Supreme Court of the United States~~)  
THE SUPREME COURT OF FLORIDA

Walter Drummond, #M33531  
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## QUESTION(S) PRESENTED

1. How can a legitimate Writ of Habeas Corpus be "denied" (please see to Exhibit 1) outside the guidelines of the Florida Constitution; Article I, Section 13. Habeas Corpus, U.S. Constitution; Section 9, Clause 2, and Per "U.S. Law" of "We The People, Legal Primer" (Pg. 9) Whereas, in all, it stipulates that Habeas Corpus is "a matter of right" and "never be suspended," unless in "cases" to which this cause doesn't pertain?
2. In the Supreme Court of Florida's judgement in this cause (please see to Exhibit 1), it used an unspecified case; "Baker v. State, 878 So.2d 1236" (Fla. July 15, 2004), that's basically stereotypic and talks in partisanship in reference to "Petitioner inmates" (Baker v. State, 878 So.2d 1236; 1236) who used writs of habeas corpus to "collaterally attack non-capital convictions" (Baker @ "Procedural Posture") and, where said "the petitions were unauthorized because the proper vehicle for the relief sought was through motions for post conviction relief". Note - there hasn't been an update nor amendment to Law, as this "Baker v. State", is just a case decision that needs to be re-reviewed, but, in this Petitioner's Cause, which is, Accordingly submitted to still existing Law; F.S. Section 79.01 Application and Writ, in clear support with Article I. Declaration of Rights, Section 13-Habeas Corpus, the Petitioner / "Applicant" is the word used in the foundationed Law when referring to a/the Petitioner, regardless of their nature or wherebeing, "vehicle" (Baker @ 1236) in which this Petitioner/Applicant showed unlawful detainment through Record - \*State of Florida v Drummond, \*02004393cF10a, Trial Transcript Page 370, lines 23-25\*- Affidavit Evidence in which, could only be effectively sought through F.S. Section 79.01, F.S.A/ The Writ of Habeas Corpus, which was recited in his Writ to the Supreme Court of Florida, how does "Baker v. State" even relates to this Petitioner's cause?

## 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:

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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 A-E to the petition and is

- ☒ reported at 'EXHIBIT 1' Page 4; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the \_\_\_\_\_ 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.

## 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 5/21/2021. A copy of that decision appears at Appendix A - E.

☐ 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

### Constitutional Provisions Involved

1. Florida Constitution Article 1, Section 9. Due Process "deprived" nor "compelled"
2. Florida Constitution Article 1, Section 13. Habeas Corpus "matter of right" and "never be suspended"
3. U.S. Constitution Article 1, Section 9. US LAW "no court shall suspend"
4. U.S. Constitution Section 9, Clause 2. Habeas Corpus "The privilege shall not be suspended"
5. U.S. Constitution Amendment 5 "The right to remain silent"
6. U.S. Constitution Amendment 14 "Equality and Fairness"

### Statutory Provisions Involved

1. F.S. Section 79.01. Application and Writ. (Chapter 79 Habeas Corpus) - "any person detained in custody" "applies to the Supreme Court for writ of habeas corpus and shows by affidavit or evidence that he is detained without lawful authority, the court, justice, or judge to whom such application is made shall grant the writ forthwith, against the person in whose custody the Applicant is detained and returnable immediately before any of the courts, justices or judges as the writ directs."
2. FL.R.Crim.P.R 3.850 (M) Habeas Corpus - "unless it also appears that the remedy by motion is inadequate or ineffective to test the legality of the applicant's detention."
3. 28 U.S.C. 2254 - "The statute that allows a prisoner under state sentence to petition for a writ of Habeas Corpus."



## STATEMENT OF THE CASE

The Florida Supreme Court mentioned in a brief, just a name and case site "Baker v. State," that's totally different to the Petitioner's cause;

1. The Petitioner is innocent.

2. The Petitioner isn't simply talking of the blamish of a "jury selection" "Baker 0123 The Petitioner has record Affidavit Evidence to prove that he is held in illegal

activity: State of Florida v. Drummond, #02004343 section, Tpg 370, lines 23-25

which clearly shows violation of law, at which properly used Habeas Corpus.

IN LEGAL TERMS, this cause can be reviewed concur to Chambers v. Florida, 309 US 227, 2

"Constitutional Law § 840, #2. Use by the state of an improperly obtained confession to procure

a conviction of crime, may constitute a denial of due process of law as guaranteed in the

Fourteenth Amendment" and "Evidence § 683, 685, #3. the Petitioner, being a young black male

in a white neighborhood, held against outnumbered white officials, Miranda v. Arizona, 384 US 486

@ "Witnesses 88.3, #5 "indicates in any manner" and "Criminal Law 74 Habeas Corpus § 18.

meeting the requirements both at the, rather suspect, Court Reporter inputted "inadmissible" @

State v. Drummond #02004343 section, Tpg. 370, line 24, and Roberts, Jr., who had private counsel in Roberts v. Florida,

874 So. 2d 1225, 1229 (FLA 4th DCA 2004), same area and time as Petitioner, "the warnings

being inadequate to fully inform him of his constitutional rights"

In speak of the time, the Petitioner, due to poverty wrongfully caused by the Respondents,

is, at no other resource, indigent / "Pro Se". Though innocent, because of the Petitioner's

race, he is illegally presumed guilty and unlawfully imprisoned, held, to "do time" operations with

the slim chance of time to concentrate on this cause that, illegally holds him, "forced to shift

for himself. "Douglas v. California, 372 US 353, 358 vacated.

If took Valle 19 years (78-'97 rev. & rem.) same time as Petitioner current (illegally) in Valle v.

Florida, 705 So. 2d 1331, 1331 (Fla. 1997) to receive a "Chait Assistant CCR" from Tallahassee

and an evidentiary hearing from a 3850 motion.

## REASONS FOR GRANTING THE PETITION

1. 28 U.S.C. § 2254

2. There is only 1 page, and 3 lines of record evidence - State of Florida v. Drummond, TT.pg 370, lines 23-25 that will prove of a lawless violation that, by right, shall indeed be remedied accordingly.
3. "Baker v. State" is a partisanship-a class prejudice, to an already presumed 'second-rate group' that the Florida Court refers, in slurred derogatory; "Petitioner inmates" Baker #1236 and "allegedly indigent convicts" Baker #1240, shall rightfully be sought as what it is: **DISCRIMINATION**. In Baker #1239, it mentioned, biting its own tongue, of a case that started this "rebel" by the Respondents, a case in which **THIS HONORABLE COURT- THE UNITED STATES SUPREME COURT** upheld-

\* The 6<sup>th</sup> Amendment Right to Assistance of Counsel to the equity of the 14<sup>th</sup> Amendment to the U.S. Constitution in regards to the fundamental Right to fairness and due process of Law; Gideon v. Wainwright, 372 US 335; 339-345 (1963).

It also admitted "some will be" in the regards to the entitlement of Post Conviction Relief, Baker #1240, in a rather unwilling matter, while complaining to doing what is their job, and, are paid to do-enforce Law. And **HABEAS CORPUS is LAW**. "The job of the courts is not to dispose of cases but to decide them justly." Jim Carrigan, American jurist, justice, Supreme Court of Colorado, 1977.

4. The Petitioners' cause of Habeas Corpus is concrete and according to Law!

It is in obedience with F.S. Section 79.01 ("CHAPTER 79", HABEAS CORPUS Application and Writ, especially, in regards to the direction of court submittance, and, of "affidavit/evidence" that can prove being held with "unlawful authority"

This is all supported by the U.S. and Florida Constitution;

The Florida Constitution: FL Const. Art. I, Sec. 13; "a matter of right that can never be suspended unless in cases", to which, this cause, doesn't pertain. Under U.S. Const.

Art. I, Sec. 9 and U.S. Const. Sec. 9, Cl. 2 as a "privilege", and, under US law (pg 8 WE THE PEOPLE LEGAL PRIMER) "provide that no court shall suspend the privilege."

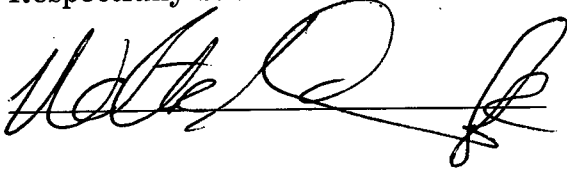
5. The Florida Supreme Courts decision, like the other proceedings to the Petitioner, a innocent man, is a misjudgment. The Petitioner, a under educated Black male, especially where it comes to law, is being

taken advantage of by his lacks - not only with being a young black male, but ~~the~~ fact that he can't afford the interference of paid counsel - because he's poor and that's a gross miscarriage of justice.

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "H. A. R.", written over a horizontal line.

Date: \_\_\_\_\_