

JUN 28 2021

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21-5052

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 of America~~)

THE SUPREME COURT OF FLORIDA

Walter Drummond, # M33531

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Punta Gorda, Fla 33955

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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 1, 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 Floridas' 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 referance 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 1. Declaration of Rights, Section 13-Habeas Corpus; the Petitioner / "Applicant" is the word used in the foundedation Law when refferring 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, #02004393cf102, 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 Petitioners 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 4-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."

and an evidentiary hearing from a 3850 motion.

Florida, 705 So.2d 1331; 1331(Fla. 1997) to receive a "Chief Assistant CCR," from Tallahas-

ee took Valle 19 years (78-97 rev. from same time as Petitioners warrant, 1992), in Valle a

for himself, "Douglas A. California, 372 US 353, 358 rec'd.

the slim chance of time to concentrate on this cause that legally holds him, forced to shirk the race, he is illegally presumed guilty and unlawfully imprisoned, held to "do time" operationally is, at no other resource, "indigent," "poor," "though innocent, because of the Petitioners

In speak of this time, the Petitioners, due to poverty unlawfully caused by the Respondants,

being inadequate to fully inform him of his constitutional rights,

71 So.2d 1225, 1229 (Fla. 1964, DCA 2004), same area and time as Petitioners, "the warings

20004343-108, T79, 370, line 24, and Roberts, Jr., who had private counsel, in Roberts Florida,

meeting the requirements both of the, rather suspect, Court Reporters, "published," "readable,"

8, "Witnesses 883, #5, "indicates in any manner, "and, "Criminal Law Theory Classes Campus #148,

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

Fourteenth Amendment," and "Evidence 8683, 685, #3, the Petitioners, being young black male

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

Constitutional Law § 840, #2, by the state of an imperiously obtained confession to procure

IN LEGAL TERMS, this cause can be reviewed concurred Chambers v. Florida, 308 US 222, in

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

Capri: State of Florida v. Drummond, 20004343-108, T79370, line 23-25

The Petitioners has record Affidavit Evidence to prove that he is held in illegal

2. The Petitioners isn't simply talking of the blemish of a "jury selection," Baker, 9123

1. The Petitioners is innocent.

"Baker v. State," that's totally different of the Petitioners, causa;

The Florida Supreme Court mentioned in a brief, just a name and cause site

## STATEMENT OF THE CASE

## 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 remedized 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 mutter, 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 1 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, an 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 lack's - 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,



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