

21-5178

ORIGINAL

IN

THE SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

JUN 07 2021

OFFICE OF THE CLERK

In re Walter Drummond - Petitioner

VS.

STATE OF FLORIDA - Respondents

Mark K. Inch, etc. (Inch - Secretary Dept. of Corrs.) per Florida Statue 79.01

ON PETITION OF WRIT OF HABEAS CORPUS

THE SUPREME COURT OF FLORIDA

last ruled on Merits

PETITION FOR WRIT OF HABEAS CORPUS

Walter Drummond

M33531

Charlotte C.I.

33123 Oil Well Road

Punta Gorda, FL 33955

(a) Questions Presented FOR REVIEW

1. Is this a question or a coerce; "You were read your rights, right?"?
2. Is State v. Drummond, #02004343cFl02, Ttp 370, line 24's Court Reporter inputted "<in audible>" in actuality, the Petitioner exercising his "right to remain silent"?
3. Is being told to "Speak Up!" an violation of US Const 5th Amend. & FL Const Act. 1, Sec. 9?

(b) List of Parties

These are in 'Early Spirit' against the Petitioner, a innocent, young black male.

State Attorney-Broward County

Circuit and Trial Court, Broward County

The 4th DCA

Florida Supreme Court

all are included on cover page whereas it stipulates the STATE OF FLORIDA

RELATED CASES

1 Thompson v Sec'y Dept. Corcs, 595 F.3d 1233, rev. 8 cm

2 Chambers v Florida, 309 US 227, rev

3 Roberts v Florida, 874 So. 2d 1225, 2004 (some trail as Petitioner whereas it comes to Court, State Attorney, and D.C.A.), Rev/Acr Rem

(c.) TABLE OF CONTENTS

OPINIONS BELOW	3
JURISDICTION	1
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	2
STATEMENT OF THE CASE	3
REASONS FOR GRANTING THE WRIT	4
CONCLUSION proposed	5

INDEX TO APPENDICES

Appendix A - Florida Supreme Court

Appendix B - Circuit Court - Broward

Appendix C - State Record (trial) - State v. Drummond, #02604343cf102, Trpg. 370, lines 23-26

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<i>Miranda v. Arizona</i> , 384 US 436	2
<i>Chambers v. Florida</i> , 309 US 227	3, 4
<i>Douglas v. California</i> , 372 US 353	3
<i>Valle v. Florida</i> , 705 So. 2d 1331	3
<i>Gideon v. Wainwright</i> , 372 U.S. 335, 9 L. Ed. 2d 799, 83 S. Ct 792 (1963)	4
<i>Thompson v. Sec'y D.O.C.</i> 595 F.3d 1233	4
<i>Spera v. Florida</i> , 971 So. 2d 754 (2004)	4
STATUTES AND RULES	
28 U.S.C. § 2254	1, 2, 3
FL. Const. Art. 1, Sec. 9. Due Process	1, 2, 3
U.S. Const. Amend. 5	1, 2, 3
FL. Const. Art. 1 Sec. 13 Habeas Corpus	2, 3
U.S. Const. Sec. 9, Cl. 2 Habeas Corpus	2, 3
U. S. Const. Art. 1, Sec. 9 Habeas Corpus	2, 3
U.S. Const. Amend 14	2
F.S. Section 79.01	2, 3, 4
28 U.S.C.S 2241 (c)(3)	1, 2, 3
Witnesses 88.5 #5	2

OTHER

OPINIONS BELOW

State courts

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is reported at The Florida Supreme Court.

JURISDICTION

The date on which the highest state court decided my case was

A copy of that decision appears at Appendix A

The jurisdiction of this Court is invoked under 28 U.S.C. § 2241(c)(3)

2241(c) - The writ of habeas corpus shall not extend to a prisoner unless
(3) He is in custody in violation of the Constitution (this cause - violation of U.S. Const. Amend 5 and FL Const. Art. 1, Sec. 9) or laws or treaties of the United States. It is applied to THIS HONORABLE AND SUPREME COURT through Florida Statute 79.01 by way of FL Const. Art. 1, Sec. 13 and U.S. Const. Sec. 9, CL. 2.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- 1) FL Const. Art. 1, Sec. 9 Due Process - "No Person shall be deprived of life, liberty, or property without due process of Law" nor "be compelled in any criminal matter to be a witness against oneself."
- 2) U.S. Const. Amend 5 - "No person shall be held to answer for a capital, or otherwise infamous crime" "nor shall be compelled in any criminal case to be a witness against himself."
- 3) FL Const. Art. 1, Sec. 13 Habeas Corpus - "shall be grantable of right" "freely and without cost" "returnable without delay" "never be suspended"
- 4) U.S. Const. Sec. 9, CL 2 Habeas Corpus "Privilege" "not be suspended"
- 5) U.S. Const. Art. 1, Sec. 9
- 6) 28 U.S.C. § 2241(c)(3) - "to a prisoner in custody in violation of the Constitution"
- 7) U.S. Const. Amend. 14 - "No state shall make or enforce any law which which shall abridge the privileges or immunities of citizens of the United States" "nor deny equal protection of the Laws"
- 8) F.S. Section 79.01 - "applies to the Supreme Court", "any person detained in custody," habeas corpus - shows by evidence probable cause to believe he is detained without lawful authority "court shall grant" "returnable immediately"
- 9) 28 U.S.C. § 2254 - "The statute that allows a prisoner under state sentence to petition for Writ of Habeas Corpus."
- 10) Witnesses 88.5.5 "If an individual indicates in any manner that he wishes to remain silent interrogation must cease."

STATEMENT OF THE CASE

Accordingly, the Petitioner would like THIS HONORABLE AND SUPREME COURT to correctly issue a writ/order commanding to have him, who's currently unlawfully detained in FDOC-prison, to justfully appear before the arresting and trial court; Broward County Courthouse, 201 S.E. 6th street, Ft. Lauderdale, Florida 33301 by reason of false imprisonment, him being illegally detained, without lawful authority, in violation of United States Law; U.S. Const. Amend. 5 - Due Process, along with the Florida Constitutional Law, FL. Const. Art. 1 Sec. 9 of Due Process.

For by FL R. App. P. 9.200(b)(5), F.S. Section 79.01, and 28 U.S.C. § 2254, with venue from FL. Const. Art. 1, Sec. 13. Habeas Corpus, and, U.S. Const. Sec. 9, Cl. 2, U.S. Const. Art. 1, Sec. 9. Habeas Corpus, the Petitioner, who, at no other resource, due to Respondent caused poverty, along with him being prejudiced in these circumstances: 1. Because he's Black, 2. Because he from the neighboring and rival Miami-Dade County, 'Pro Se', has appropriate Record Evidence to prove of his innocence.

EVIDENCE

State v. Drummond, 02-4343cf10a, TTP, 370, lines 23-25

The beginning of the "States' Exhibit" A - Authorities P - Petitioner

370

23

A YOU WERE READ YOUR RIGHTS RIGHT!

24

P <inaudible>

25

A SPEAK UP!

In party spirit-warped judgement (line 24, the Court Reporter inputted, 'we didn't hear nothin' <inaudible>') this was introduced by this majority white colony/county, to the jury, and as in Chambers v. Florida (state v. Chambers), 309 US 227; r, the same racist county, mind you - Broward, the Petitioner didn't have a chance because of his race, "they who have suffered always been the poor, the ignorant, the numerically weak" Chambers [309 US 238]

also, the Petitioner lacked the fairness described in Douglas v. California, 372 US 353; 357 [3][4] due to him being poor.

Per 28 U.S.C. § 2254⁽¹⁰⁾, the Petitioner will like, "immediately," finally, e evidentiary hearing on this fundamental matter and EVIDENCE. It took Valleja Valle v. Florida, 705 So. 2d 1331 (Fla. 1997) around the same time, 19 years, to get an evidentiary hearing, this is injustice.

REASONS FOR GRANTING PETITION

1. The Petitioner is innocent.
2. The Petitioner is illegally detained.
3. The Petitioner needs to be released of this arbitrary imprisonment, as

accordingly - F.S. 79.01, he has record evidence to prove his innocence.

4. The Florida Supreme Court used "Baker v. State" (please see to Appendix A). And

in Baker vs. Florida, 878 So.2d 1236, 2004 Fla. LEXIS 3114, 29 Fla. Weekly 5413 - a

March 11, 2004 decision, a case post to the Petitioner's unlawful arrest, basis was to

refute motions "that could have been raised on post-conviction relief." Baker @ 1236

This Cause, which is in exact procedure and in obedience with F.S. Section 79.01,

where as it speaks of affidavit/evidence that can prove of unlawful detainment -

State of Florida vs. Walter Deumond, 2000WH3 section A, Tpg. 370, lines 23-25

shall accordingly be honored, as this evidence does show lawless behavior. The

same cases, "Baker v. State" was cited but overruled in Thompson vs. Secy. Doc,

595 F.3d 1233, at 1239 (2010) by reason, the same matter as The Petitioner

is in allegiance with, and that's with the appropriate use of "Florida Statute 79.01"

5. A past explain of these circumstances was presented by the Petitioner to the

lower court and it was wrongfully denied "not cognizable on a motion for 3,850 Post

Conviction Relief" (please see Appendix B & 5, space v. Florida, 971 So.2d 754, at 754 where as it states

properly the court is suppose to "strike" the motion (2004).

So basically, the Petitioner, young, black, and no other resource, forced, 'pro se',

he mentions this because from Martin Luther King Jr. to last years (George Floyd this

has always been a hardship, is getting the Declaration of Duty - In one hand, he (see Appendix B)

presents these same faults and gets the "not cognizable on a motion for Post Conviction Relief"

then, through time, which is authorized and organized, apart the Respondents, Doc,

the Petitioner, at no other resource, 'Pro se', discovers another legal route to explain his innocence,

and gets case name (Appendix A) "Baker vs State", which is used in partisan ship

to strategically generalize a certain group the Florida Supreme Court in slurred

degradation call "Petitioner inmates" Baker @ 1236 and "allegedly indigent convicts" Baker @ 1240

causing a class prejudice that the Florida Supreme Court want to conclude "many will not"

but, admittedly "Some will be" in terms of relief Baker @ 1240

once again, This HONORABLE SUPREME COURT needs to reach down as

it did in Gideon v. Wainwright, 372 US 335 and Chambers v. Florida,

309 US 227 and overrule against these prejudices.

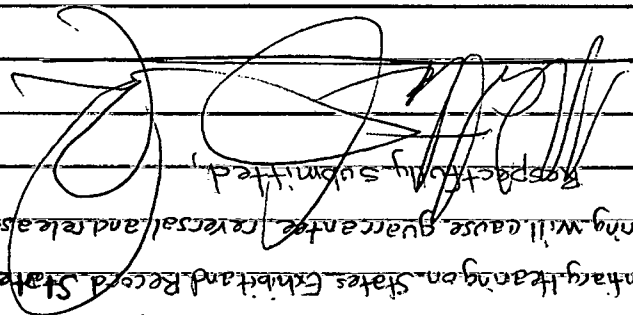
Florida Statute 79 provides as follows:

When any person detained in custody applies to the Supreme Court for a writ of habeas corpus and shows by affidavit or evidence probable cause to believe 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. (2021)

CONCLUSION

Indeed, this petition for writ of habeas corpus should, without doubt, be granted ACCORDINGLY.
holding Evidentiary Hearing on State's Exhibit and Record State v. Duwend, 02-1343 (Fla. 1st DCA, 11/23/2021)

This hearing will cause guarantee reversal and release for the Petitioner.

Respectfully submitted,


Date: July 11, 2021

APPENDIX A

Supreme Court of Florida

FRIDAY, MAY 21, 2021

CASE NO.: SC 21-597

Lower Tribunal No.(s):

06200ZCF004343A88810

WALTER DRUMMOND

vs. MARK S. INCH, ETC.

Petitioner(s)

Respondent(s)

Because the Court has determined that relief is not authorized this case is hereby dismissed. See *Baker v. State*, 878 So. 2d 1236 (Fla. 2004). Any motions or other requests for relief are also denied. No motion for rehearing or reinstatement will be entertained by this court.

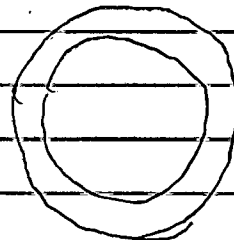
POLSTON, LABARGA, LAWSON, MUNIZ and GROSSHANS, JJ.
concur.

A True Copy

Test:

92

John A. Tomasino
Clerk Supreme Court



Served:

LANCE ERIC NEFF

WALTER DRUMMOND

HON. BRENDA D. FORMAN, CLERK

CELIA TERENZIO

APPENDIX B

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

STATE OF FLORIDA,

CASE NO. 02-4343CF10A

Plaintiff,

JUDGE: HOROWITZ

v.

WALTER LEE DRUMMOND,

Defendant.

ORDER DENYING DEFENDANT'S MOTION FOR POST CONVICTION
RELIEF

THIS CAUSE comes before this Court upon the Defendant's Motion for Post Conviction Relief brought pursuant to Florida Rule of Criminal Procedure 3.850. Having considered the Defendant's Motion, the State's Response, the Court's applicable law, and being otherwise duly advised in the premises, this Court finds as follows:

The Defendant's arguments are not cognizable in a motion for post-conviction relief. This Court hereby adopts the reasoning set forth in the State's Response, and the State's exhibits, a copy of which is incorporated herein and attached hereto.

Accordingly, it is

ORDERED AND ADJUDGED this Defendant's Motion for Post-Conviction Relief is hereby **DENIED**.

Defendant has thirty (30) days from the date of rendition of this Order to file an appeal.

DONE AND ORDERED on this 17 day of Oct 2005,
Chambers, Fort Lauderdale, Broward County, Florida.


ALFRED J. HOROWITZ
CIRCUIT COURT JUDGE

Copies to:
Joel Silverstein, Office of the State Attorney, Appeal District

Defendant
Walter Drummond, # 030054157, Pre-trial Detention Center, 1321 NW 13 Street, Miami, FL 33125

APPENDIX C

1. Please Keep in mind the fact the Petitioner - a young, black, innocent male
was overpowered and outnumbered by white officials

please see Chambers v. Florida, 309 US 227-242, U.S. Supreme Court Digest,
Lawyer's Edition 84 L.Ed 716-724

(the same racist stereotypic county - BROWARD, as in Petitioners'
majority white & unwanting black

State of Florida vs. Walter Drummond, #02004343cf100, TTpg. 370, lines 23-25

(A - Authorities P - Petitioner)

23 A YOU WERE READ YOUR RIGHTS RIGHT!

24 P <inaudible>

25 A SPEAK UP!

clear compell 8 U.S. Const. Amend 5 and Fl. Const. Art. 1, Sec. 9 violation