

APPENDIX

José Yeyille v. Armandina Acosta-Leon; et al.

**PETITION FOR WRIT OF CERTIORARI TO
THE THIRD DISTRICT COURT OF APPEAL OF FLORIDA**

NO. _____

INDEX TO APPENDICES

José Yeyille v. Armandina Acosta-Leon; et al.

**PETITION FOR WRIT OF CERTIORARI TO
THE THIRD DISTRICT COURT OF APPEAL OF FLORIDA
NO. _____**

CERTIFICATE OF SERVICE

[NOTE: José Yeyille v. Armandina Acosta-Leon, SC21-858 (June 8, 2021). Petition for Emergency Writ of Prohibition for the Disqualification of Chief Judge Kevin Emas. Active. Pending].

APPENDIX 1: José Yeyille v. Armandina Acosta-Leon, et al., 3D20-1824 (June 2, 2021). Appellant's Pro Se Amended Motion for the Retroactive Disqualification of Chief Judge Kevin Emas is hereby denied. Appellant's pro se Motion for Rehearing, Certify Question of Great Public Importance, and for Written Opinion is hereby denied.

EMAS, C.J., and SCALES and GORDO, JJ., concur.

APPENDIX 2: José Yeyille v. Armandina Acosta-Leon, et al., 3D20-1824 (May 26, 2021). (PER-CVRIAM affirmance without opinion) EMAS, C.J., and SCALES and GORDO, JJ.

APPENDIX 3: José Yeyille v. Armandina Acosta-Leon, et al., 3D20-1824 (May 26, 2021). Appellant's Pro Se "Suggestion for Certification" to the Florida Supreme Court, this appeal requires immediate resolution by the Supreme Court and is of great public importance and will have a great effect on the administration of justice throughout the state, is hereby denied.

EMAS, C.J., and SCALES and GORDO, JJ., concur.

APPENDIX 4: José Yeyille v. Armandina Acosta-Leon, et al., Case No. 2018-22362 (December 7, 2020). Order denying Petitioner's [Second] Motion for Reconsideration. Judge Antonio Arzola.

APPENDIX 5: José Yeyille v. Armandina Acosta-Leon, et al., Case No. 2018-22362 (December 4, 2020). Order Granting Defendants' Combined Motion to Dismiss with Prejudice and Order of Dismissal.
Judge Antonio Arzola.

APPENDIX 6: José Yeyille v. Armandina Acosta-Leon, et al., Case No. 2018-22362 (December 2, 2020). Order denying Plaintiff's [First] Motion for Reconsideration without prejudice. Judge Antonio Arzola.

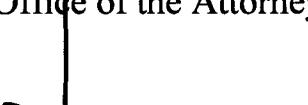
APPENDIX 7: José Yeyille v. Armandina Acosta-Leon, et al., Case No. 2018-22362 (December 1, 2020). Proposed Order Granting Defendants' Combined Motion to Dismiss Petitioner's Amended Petition for Declaratory Judgments for Constitutional Challenges, December 1, 2020. Judge Antonio Arzola.

APPENDIX 8: José Yeyille v. Armandina Acosta-Leon, et al., Case No. 2018-22362 (November 28, 2018). AMENDED PETITION FOR DECLARATORY JUDGMENTS FOR CONSTITUTIONAL CHALLENGES.

CERTIFICATE OF SERVICE TO COUNSELS FOR RESPONDENTS
AND THE ATTORNEY GENERAL OF FLORIDA

I hereby certify that on August 19, 2021 a true and correct copy of this **APPENDIX** was sent through **U.S. mail** to Walter J. Harvey School Board Attorney, The School Board of Miami-Dade County, Florida 1450 NE 2nd Avenue, Room 430, Miami, FL 33132; and the Office of the Attorney General.

PRO•SE


José Yeyille
5505 SW 135th Court
Miami, FL 33175

Walter J. Harvey, School Board Attorney, The School Board of Miami-Dade County, Florida, 1450 NE 2nd Avenue, Room 430 Miami, FL 33132

Luis M. Garcia, Esq. Attorney for Defendant School Board Deputy Assistant School Board Attorney

Sara M. Marken, Esq. Attorney for Defendants Robertson, Acosta Leon, Asuncion-Valdes and Egna Rivas. Assistant School Board Attorney

Office of the Attorney General, State of Florida, The Capitol PL-01 Tallahassee, Florida 32399-1050

Department of Financial Services, 200 E. Gaines Street, Tallahassee, FL 32399

IN THE DISTRICT COURT OF APPEAL

OF FLORIDA

THIRD DISTRICT

JUNE 02, 2021

JOSE YEYILLE,
Appellant(s)/Petitioner(s),
vs.
ARMANDINA ACOSTA-LEON, et al.,
Appellee(s)/Respondent(s),

CASE NO.: 3D20-1824

L.T. NO.: 18-22362

Upon consideration, Appellant's pro se Motion and "Amended Motion for the Retroactive Disqualification of Chief Judge Kevin Emas" are hereby denied.

Appellant's pro se "Motion for Rehearing, Certify Question of Great Public Importance, and for Written Opinion" is hereby denied.

EMAS, C.J., and SCALES and GORDO, JJ., concur.

A True Copy
ATTEST
Mercedes M. Puerto
CLERK
DISTRICT COURT OF APPEAL
THIRD DISTRICT

cc: Luis M. Garcia
Jose Yeyille

Sara M. Marken

Walter J. Harvey

la

APPENDIX 1

Third District Court of Appeal

State of Florida

Opinion filed May 26, 2021.
Not final until disposition of timely filed motion for rehearing.

No. 3D20-1824
Lower Tribunal No. 18-22362

José Yeyille,
Appellant,

vs.

Armandina Acosta-Leon, et al.,
Appellees.

An Appeal from the Circuit Court for Miami-Dade County, Antonio Arzola, Judge.

José Yeyille, in proper person.

Walter J. Harvey, Miami-Dade County School Board Attorney, and Luis M. Garcia, Deputy School Board Attorney, for appellees.

Before EMAS, C.J., and SCALES and GORDO, JJ.

PER CURIAM.

Affirmed.

APPENDIX 2

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA

THIRD DISTRICT

MAY 26, 2021

JOSE YEILLE,
Appellant(s)/Petitioner(s),
vs.
ARMANDINA ACOSTA-LEON, et al.,
Appellee(s)/Respondent(s),

CASE NO.: 3D20-1824
L.T. NO.: 18-22362

Appellant's pro se "Suggestion for Certification" is hereby denied.

EMAS, C.J., and SCALES and GORDO, JJ., concur.

A True Copy
ATTEST
Meredith M. Puerto
CLERK
DISTRICT COURT OF APPEAL
THIRD DISTRICT

cc: Luis M. Garcia
José Yeyille

Sara M. Marken
Miami-Dade Clerk

Walter J. Harvey

ns

APPENDIX 3

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CASE NO: 2018-022362-CA-01

SECTION: CA24

JUDGE: Antonio Arzola

Jose Yeyille

Plaintiff(s)

vs.

Armandina Acosta Leon et al

Defendant(s)

/

ORDER DENYING MOTION FOR RECONSIDERATION

This matter came before the Court on December 7, 2020, upon the Petition Motion for Reconsideration of the Court's Order Granting Defendants' Combined Motion to Dismiss with Prejudice and Order of Dismissal filed on December 6, 2020. Having reviewed the motion, and being otherwise fully advised in the premises, the Court hereby **ORDERS AND ADJUDGES** as follows:

1. The Motion for Reconsideration is **DENIED**.

DONE and ORDERED in Chambers at Miami-Dade County, Florida on this 7th day of December, 2020.



2018-022362-CA-01 12-07-2020 9:01 AM

Hon. Antonio Arzola

CIRCUIT COURT JUDGE

Electronically Signed

APPENDIX 4

Final Order as to All Parties SRS #: **12** (Other)

THE COURT DISMISSES THIS CASE AGAINST ANY PARTY NOT LISTED IN THIS FINAL ORDER OR PREVIOUS ORDER(S). THIS CASE IS CLOSED AS TO ALL PARTIES.

Electronically Served:

Jose Yeyille, joseyeyilleesq@yahoo.com
Jose Yeyille, joseyeyilleesq@yahoo.com
Jose Yeyille, joseyeyilleesq@yahoo.com
Luis M. Garcia, lmgarcia2@dadeschools.net
jose yeyille, joseyeyilleesq@yahoo.com

Physically Served:

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CASE NO: 2018-022362-CA-01

SECTION: CA24

JUDGE: Antonio Arzola

Jose Yeyille

Plaintiff(s)

vs.

Armandina Acosta Leon et al

Defendant(s)

/

**ORDER GRANTING DEFENDANTS' COMBINED MOTION TO DISMISS WITH
PREJUDICE AND ORDER OF DISMISSAL**

THIS CAUSE having come before the Court on December 1, 2020 upon Defendants' Combined Motion to Dismiss with Prejudice Plaintiff's "Amended Petition For Decla Judgments For Constitutional Challenges," and the Court having considered the procedural history, reviewed Defendants' Combined Motion to Dismiss with Prejudice and Plaintiff response thereto, having heard argument of counsel, and having been fully advised by the parties, the Court hereby **ORDERS** and **ADJUDGES** as follows:

Defendants' Combined Motion to Dismiss is **GRANTED** for the following reasons;

1. The Court finds that Plaintiff's Amended Petition fails to state a claim upon which relief may be granted. Instead, Plaintiff seeks to have this Circuit Court invalidate the rulings of the Third District Court of Appeal and of the Florida Supreme Court and to find that these courts have violated his civil rights;
2. This Court has no jurisdiction over Plaintiff's purported constitutional claims or to provide the requested relief; and

APPENDIX 5

3. This court further finds that Plaintiff's claims are barred by the Doctrine of Res Judicata because such issues, claims, facts, and causes of action have been decided by both state and federal courts of competent jurisdiction.

4. Accordingly, Defendants' Combined Motion to Dismiss Plaintiff's Amended Petition is hereby **GRANTED**, with prejudice. This matter is hereby dismissed and the Clerk of Court is instructed to close this case.

5. The Court also denies Plaintiff's recently filed Motion to Amend as the Court finds that further Amendment of Plaintiff's Petition would be futile for the reasons stated above.

DONE and **ORDERED** in Chambers at Miami-Dade County, Florida on this 4th day of December, 2020.



2018-022362-CA-01 12-04-2020 1:46 PM

Hon. Antonio Arzola

CIRCUIT COURT JUDGE
Electronically Signed

Final Order as to All Parties SRS #: 12 (Other)

THE COURT DISMISSES THIS CASE AGAINST ANY PARTY NOT LISTED IN THIS FINAL ORDER OR PREVIOUS ORDER(S). THIS CASE IS CLOSED AS TO ALL PARTIES.

Electronically Served:

Jose Yeyille, joseyeyilleesq@yahoo.com
Jose Yeyille, joseyeyilleesq@yahoo.com
Jose Yeyille, joseyeyilleesq@yahoo.com
Luis M. Garcia, lmgarcia2@dadeschools.net
jose yeyille, joseyeyilleesq@yahoo.com

Physically Served:

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CASE NO: 2018-022362-CA-01

SECTION: CA24

JUDGE: Antonio Arzola

Jose Yeyille

Plaintiff(s)

vs.

Armandina Acosta Leon et al

Defendant(s)

/

**ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION WITHOUT
PREJUDICE**

This matter came before the Court upon the Plaintiff's Motion for Reconsid Having reviewed the motion, and being otherwise fully advised in the premises, the Court hereby **ORDERS AND ADJUDGES** as follows:

1. The Plaintiff's motion is **DENIED** without prejudice. Plaintiff's motion was filed prematurely. The written order memorializing the Court's ruling at the December 1 2020 hearing has not yet been entered.

DONE and **ORDERED** in Chambers at Miami-Dade County, Florida on this 2nd day of December, 2020.



2018-022362-CA-01 12-02-2020 2:29 PM

Hon. Antonio Arzola

CIRCUIT COURT JUDGE

Electronically Signed

No Further Judicial Action Required on **THIS MOTION**

CLERK TO **RECLOSE** CASE IF POST JUDGMENT

Electronically Served:

Jose Yeyille, joseyeyilleesq@yahoo.com
Jose Yeyille, joseyeyilleesq@yahoo.com
Jose Yeyille, joseyeyilleesq@yahoo.com
Luis M. Garcia, lmgarcia2@dadeschools.net
jose yeilly, joseyeyilleesq@yahoo.com

Physically Served:

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO. 18-22362 CA 24

JOSE YEYILLE,

Plaintiff,

vs.

AMANDINA ACOSTA-LEON, et al.

Defendants.

**ORDER GRANTING DEFENDANTS' COMBINED MOTION TO DISMISS WITH
PREJUDICE PLAINTIFF'S "AMENDED PETITION FOR DECLARATORY
JUDGMENTS FOR CONSTITUTIONAL CHALLENGES"**

THIS CAUSE having come before the Court on December 1, 2020 upon Defendants' Combined Motion to Dismiss with Prejudice Plaintiff's "Amended Petition For Declaratory Judgments For Constitutional Challenges," and the Court having considered the procedural history, reviewed Defendants' Combined Motion to Dismiss with Prejudice and Plaintiff's response thereto, having heard argument of counsel, and having been fully advised by the parties, the Court hereby **ORDERS** and **ADJUDGES** as follows:

Defendants' Combined Motion to Dismiss is **GRANTED** for the following reasons;

- 1) The Court finds that Plaintiff's Amended Petition fails to state a claim upon which relief may be granted. Instead, Plaintiff seeks to have this Circuit Court invalidate the rulings of the Third District Court of Appeal and of the Florida Supreme Court and to find that these courts have violated his civil rights;

APPENDIX 7

- 2) This Court has no jurisdiction over Plaintiff's purported constitutional claims or to provide the requested relief; and
- 3) This court further finds that Plaintiff's claims are barred by the Doctrine of Res Judicata because such issues, claims, facts, and causes of action have been decided by both state and federal courts of competent jurisdiction.
- 4) Accordingly, Defendants' Combined Motion to Dismiss Plaintiff's Amended Petition is hereby **GRANTED**, with prejudice.
- 5) The Court also denies Plaintiff's recently filed Motion to Amend as the Court finds that further Amendment of Plaintiff's Petition would be futile.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida on December 1, 2020

ANTONIO ARZOLA
CIRCUIT COURT JUDGE

cc: Counsel of Record
Jose Yeyille, *pro se*
Luis M. Garcia, Esq.

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN
AND FOR MIAMI-DADE COUNTY, FLORIDA

18- CA
CASE NO. 22362-24

THE ORIGINAL
FILED ON:

NOV 28 2018

JOSÉ YEILLE,)
Plaintiff,)
v.)
ARMANDINA ACOSTA LEON, in her)
individual capacity, and in her official)
capacity as Assistant Principal of John A.)
Ferguson Senior High School; LISA)
ROBERTSON, in her individual capacity,)
and in her official capacity as Principal of)
John A. Ferguson Senior High School;)
ASUNCION VALDES, in her individual)
capacity, and in her official capacity as)
Payroll and Substitute Locator of John A.)
Ferguson Senior High School; EGNA)
RIVAS, in her individual capacity and in)
her official capacity as Attendance Office)
Secretary of John A. Ferguson Senior High)
School; ALBERTO CARVALHO, in his)
individual capacity, and in his official)
capacity as Superintendent of Miami-Dade)
County Public Schools; and SCHOOL)
BOARD OF MIAMI-DADE COUNTY,)
FLORIDA)
Defendants.)
IN THE OFFICE OF
CIRCUIT COURT DADE CO., FL
CHAPTER 86
Florida Declaratory Judgments
§86.011
Fla R. of Civ. Proc. 1.071
Constitutional challenges:
Florida Constitution
Article V, §3(b)(3)
“expressly” provision in its
fourth clause.
Fla. R. App. Proc. §9.030
(a)(2)(A)(iv); and
Per Curiam Affirmances
(PCAs)
violate **Florida Constitution**
Article I, §21, §9, and §2
and
United States Constitution,
Amendment XIV, §1
Due Process and
Equal Protection Clauses
Injunction, and Jury Trial

AMENDED PETITION FOR DECLARATORY JUDGMENTS FOR
CONSTITUTIONAL CHALLENGES

JURISDICTION

1. This is an action for declaratory judgments for constitutional challenges for compensatory and punitive damages, injunction and other equitable remedies, and restitution in excess of the jurisdictional limits of this Court pursuant to Chapter 86, Declaratory Judgments, Florida Statutes §86.011 through §86.111 against Acosta Leon, Robertson, Valdes, Rivas, and Carvalho in their individual and official capacities, and the School Board of Miami-Dade County, Florida.
2. Venue is proper in this Court under Florida Statute §47.011 because the incidents which are the subjects of my Constitutional Challenges to the Florida Constitution, Rule of Appellate Procedure, and Per Curiam Affirmance issued by the Third District Court of Appeal and affirmed by the Florida Supreme Court occurred in Miami-Dade County, Florida.
3. Florida Rule of Civil Procedure 1.071 notice requirement was met. Office of Attorney General State of Florida, The Capitol PL-01, Tallahassee, FL 32399.

FACTS

4. On May 2nd, 2018 a panel of three judges of the Third Court of Appeal issued a Per Curiam Affirmance (hereinafter “PCA” or “PCAs”). [Case No. 3D17-2605].
5. On May 22nd, 2018 the panel issued a Corrected Order denying my “motion for rehearing, clarification and issuance of written opinion pursuant to Appellate

Rule of Civil Procedure 9.330(a)." [Case No. 3D17-2605].

6. On May 31st, 2018 the Florida Supreme Court dismissed my case on jurisdictional grounds: "This Court lacks jurisdiction to review an unelaborated decision from a district court of appeal that is issued without opinion..."

Jenkins v. State, 385 So.2nd 1356 (Fla. 1980)." [Case No. SC18-845].

7. On July 6th, 2018 the Florida Supreme Court dismissed my petition for all writs jurisdiction for lack of jurisdiction. [Case SC18-937].

CONSTITUTIONAL QUESTIONS

8. Whether the Third District Court of Appeal's **PCA** and the Florida Supreme Court's dismissal of the **PCA** on jurisdictional grounds violated my civil rights protected by the **Constitution of Florida's Article I**, §21, §2 and §9; and the **Constitution of the United States' Amendment XIV §1 Due Process and Equal Protection Clauses.**

CONSTITUTIONAL PROVISIONS AND PCAs

I. Florida Constitution Article V, 3§(b)(3).

Article V, §3(b)(3) May review any decision of a district court of appeal that expressly declares valid a state statute, or that expressly construes a provision of the state or federal constitution, or that expressly affects a class of constitutional or state officers, or that expressly and directly conflicts with a decision of another district court of appeal or of the supreme court on the same question of law. [emphasis].

II. Florida Rules of Appellate Procedure.

§9.030(a)(2): “The discretionary jurisdiction of the supreme court may be sought to review (A) decisions of district courts of appeals that (iv) expressly and directly conflict with a decision of another district court of appeal or of the supreme court on the same question of law.” [emphasis].

III. Per Curiam Affirmances issued by district courts of appeals.

IV. Constitution of the State of Florida.

1. Article I, § 21 “Access to courts.—The courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial, or delay.”
2. Article I, § 2 “All...persons...are equal before the law.”
3. Article I, § 9 “No person shall be deprived of...property without due process of law.”

V. Constitution of the United States.

4. United States Constitution, Amendment XIV, §1 “[N]or shall any state deprive any person of...property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

ANSWER

9. Yes.

**JUSTICES OF THE FLORIDA SUPREME COURT INSTIGATE
LEGISLATORS AND JOIN THE LEGISLATURE OF THE STATE OF
FLORIDA TO VIOLATE THE CONSTITUTIONAL RIGHTS OF THE
PEOPLE OF THE STATE OF FLORIDA**

10. *Jenkins v. State*, 385 So.2d 1356 (1980): The cancer in the jurisprudence of the State of Florida.

It was...in the face of a staggering case load that in November, 1979,

this Court urged the legislature meeting in special session, to enact a proposed amendment to *1359 section 3 of Article V of the Florida Constitution to limit the jurisdiction of the Supreme Court.

At hearings before the legislature and in countless meetings with representatives of The Florida Bar, The Conference of Circuit Judges of Florida, the Appellate Judges' Conference, The League of Women Voters as well as other interested organizations too numerous to recount, *members of this Court represented that one of the intents and effects of the revision of section 3(b)(3) was to eliminate the jurisdiction of the Supreme Court to review for conflict purposes per curiam decisions of the district courts of appeal rendered without opinion, regardless of the existence of a concurring or dissenting opinion. These same representations were made consistently to the public at large preceding the ballot on the proposed amendment. There can be little doubt that the electorate was informed as to this matter, because opponents of the amendment broadcast from one end of this state to the other that access to the Supreme Court was being "cut off," and that the district courts of appeal would be the only and final courts of appeal in this state. With regard to review by conflict certiorari of per curiam decisions rendered without opinion, they were absolutely correct.*

The pertinent language of section 3(b)(3), as amended April 1, 1980, leaves no room for doubt. This Court may only review a decision of a district court of appeal that *expressly* and directly conflicts with a decision of another district court of appeal or the Supreme Court on the same question of law. The dictionary definitions of the term "express" include: "to represent in words"; "to give expression to." "Expressly" is defined: "in an express manner." *Webster's Third New International Dictionary*, (1961 ed. unabr.). The single word "affirmed" comports with none of these definitions. Furthermore, the language and expressions found in a dissenting or concurring opinion cannot support jurisdiction under section 3(b)(3) because they are not the *decision* of the district court of appeal. *Jenkins v. State*, 385 So.2d 1356, 1358-59 (1980). (emphasis added).

Justice Adkins, dissenting

The majority says there was little doubt "that the electorate was informed" and proceeds to construe a purported constitutional amendment, the terms

of which were not placed on the ballot nor were they explained to the public.

While discussions with some segments of the public on background and debates concerning the proposed amendment were instructive, nevertheless, what was submitted to the people for adoption was a statement on the ballot which read: “[p]roposing an amendment to the State Constitution to modify the jurisdiction of the Supreme Court.” In discussing the proposed amendment, one news analyst contended:

The ballot says simply that the proposal would “modify the jurisdiction of the Supreme Court,” giving the public little insight into the changes it would make in court appeals procedures.

Given the complex nature of those procedures, few voters understand the issue.

When the constitutional amendment is considered in light of historical development of the decisional law (as suggested by the majority), we find regression instead of progression. **The majority admits that many will not obtain justice** for our jurisdiction will be limited to resolving questions of importance to the public as distinguished *1364 from that of the parties. *Jenkins v. State, 385 So.2d 1356, 1364-5 (1980).* (emphasis added).

ARGUMENT

11. In the State of Florida judges are usually elected, and always re-elected, by popular vote. I shall now respectfully make the following remarks about the Justices of the Supreme Court of Florida in their capacities as politicians and advocates in the legislature.

12. Wielding the pretext of being overworked and overwhelmed by “*a staggering case load*”, during the years 1979-80 Justices of the Supreme Court

of Florida actively advocating and enlisting adherents in the legislature, The Florida Bar, The Conference of Circuit Judges of Florida, and the Appellate Judges' Conference, cynically curtailed the right of the citizens and residents of Florida to access their appellate courts including its District Courts of Appeals, the Supreme Court of Florida, and the Supreme Court of the United States.

13. Allowing district courts to euthanize a case with a PCA, especially when in cases like mine **it affirms and joins a circuit court's decision flouting clear and undisputable commands of the supreme courts of Florida and the United States, Florida statutes, and Florida Rules of Civil Procedure**, amounts to a **denial of access to the courts** guaranteed by **Article I, §21**, and my civil rights protected by **§§ 9, and 2** of the Constitution of the State of Florida, and **Amendment XIV, §1 of the Constitution of the United States**.

14. The Court and its allies deceived the voters into surrendering their **constitutional rights to a fair trial** (**Article I, §§ 9 and 2, Fla. Const. and Amendment XIV, §1 of the U.S. Constitution**) and **access to its courts** (**Article I, § 21, Fla. Const.**) by means of an spurious and **deliberately vague** ballot “[p]roposing an amendment to the State Constitution to modify the jurisdiction of the Supreme Court” which allowed the Florida Supreme Court to eliminate them through the amendment to Article V, §3(b)(3) with the word “**expressly.**”

15. Ordinarily, it is necessary for attorneys and journalists to dig through legislative histories to discover the real motivations and prejudices which lead politicians, advocates—and, in this case, Justices of the Florida Supreme Court—to enact laws. That effort is unnecessary here; for the Justices of the Supreme Court of Florida who wrote the majority opinion in Jenkins exposed their true intention with this cynical and mocking statement: **“With regard to review by conflict certiorari of per curiam decisions rendered without opinion, they were absolutely correct.”**

16. Furthermore, the Justices of the Supreme Court of Florida knew then—and inevitably they had to become alerted immediately afterwards—that by endorsing PCAs to deny its jurisdiction the vast majority of their victims would be—and are—the poor, the destitute, and minorities. One does not need to compose a Brandeis Brief to verify and establish that fact. The Justices simply had to look at their district courts’ “opinions” and PCAs—particularly the third district’s—to confirm that reality. **PCAs are almost absolutely limited to the parties who are poor, destitute, and minorities. [See ¶42, *infra*].**

17. By amending the Florida Constitution with the word “expressly”, the Justices of the Supreme Court of Florida, **then, and now, expressly**, intentionally, and maliciously cleaned its dockets, and those of the lower courts, of cases

Constitution of the State of Florida, Article V, §3(b)(3) “or that expressly and directly conflicts with a decision of another district court of appeal or of the supreme court on the same question of law; and/or

21. that this Court declare unconstitutional Article V, §3(b)(3) of the Constitution of the State of Florida in its entirety; and/or
22. that this Court declare unconstitutional the “expressly” provision in Florida Rule of Appellate Procedure 9.030(a)(2)(A)(iv); and/or
23. that this Court declare unconstitutional Per Curiam Affirmances (PCAs) issued by the district courts of Appeals of Florida; and/or
24. that this Court order the Third District Court of Appeal to issue a written opinion in my case, 3D17-2605; and/or
25. that this Court order the Third District Court of Appeal to reinstate and/or rehear my case; and/or
26. that this Court order the Florida Supreme Court to reinstate and/or rehear my case; and/or
27. that this Court overrule/abrogate *Jenkins v. State*, 385 So.2nd 1356 (Fla. 1980), and/or
28. that this Court overrule/abrogate *Jenkins v. State*, 385 So.2nd 1356 (Fla. 1980) not only regarding my Petition, but also *retroactively* to the year in which

the Florida Constitution's Article V, 3§(b)(3) was enacted and *Jenkins* decided.

Norton v. Shelby County, 118 U.S. 425, 442 (1886):

“[A]n unconstitutional act is not a law; it confers no rights; it imposes no duties; it affords no protection; it creates no office; it is, in legal contemplation, as inoperative as though it had never been passed.”

29. I move this Court to enjoin all the district courts of appeals in Florida—
especially and particularly the Third District Court of Appeal—from issuing
PCAs, and order them to issue only written opinions.

30. I demand a jury trial pursuant to Florida Statute §86.071.

RELEVANT AND PRECEDENTIAL CASES

31. McKnett v. St. Louis & S. F. Ry., 292 U. S. 230, 233 (1934): “The power of a State to determine the limits of the jurisdiction of its courts and the character of the controversies which shall be heard in them is...subject to the restrictions imposed by the Federal Constitution.” (emphasis).

32. Gideon v. Wainwright, 372 U.S. 335, 342 (1963): “[A] provision of the Bill of Rights which is “*fundamental and essential to a fair trial*” is made obligatory upon the States by the Fourteenth Amendment.” (emphasis) “The right to be heard.” (Id. at 344).

33. Romer v. Evans, 517 U.S. 620, 633 (1996):

“*Central both to the idea of the rule of law and to our own Constitution's guarantee of equal protection is the principle that government and each*

of its parts remain open on impartial terms to all who seek its assistance.”

‘Equal protection of the laws is not achieved through indiscriminate imposition of inequalities.’” *Sweatt v. Painter*, 339 U.S. 629, 635 (1950) (quoting *Shelley v. Kraemer*, 334 U. S. 1, 22 (1948)).....

34. *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252, 266 (1977): “[A] clear pattern, unexplainable on grounds other than race, emerges from the effect of the state action even when the governing legislation appears neutral on its face.”

35. *Masterpiece Cakeshop, Ltd., et al. v. Colorado Civil Rights Commission, et al.*, 584 U.S. ___, 2018. Pages 12 through 14. Justices of the Supreme Court of Florida’s cynical and mocking statements about the gullibility of Florida voters are equivalent to the Civil Rights Commission’s hostile and mocking statements against a person’s religious beliefs; namely: “With regard to review by conflict certiorari of per curiam decisions rendered without opinion, they were absolutely correct.”

36. *Griffin v. Illinois*, 351 U.S. 12, 18 (1956):

A State is not required by the Federal Constitution to provide appellate courts or a right to appellate review at all... But that is not to say that a State that does grant appellate review can do so in a way that discriminates against some...defendants on account of their poverty.

37. *Kluger v. White*, 281 So.2d 1 (Fla. 1973).

OTHER AUTHORITIES

38. **Rose, Henry, The Poor as a Suspect Class under the Equal Protection Clause"An Open Constitutional Question, 34 Nova Law Review 407 (2010).**

I urge this Court to declare the *poor* a protected suspect class under the Equal Protection clause considering Mr. Henry Rose's comments about *Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 442-5 (1985) in page 420:

The courts will consider several factors in determining whether a particular group should be treated as a quasi-suspect or suspect class under Equal Protection. These factors include: whether there are legitimate reasons for the government to treat members of the group differently than other persons; whether members of the group have immutable characteristics; whether federal and state legislation reflects a continuing antipathy or prejudice against the group; whether the group is politically powerless in its ability to attract the attention of lawmakers; and whether there are principled ways to distinguish the group from other similar groups who might seek heightened scrutiny

39. **Benjamin N. Cardozo, *The Nature of the Judicial Process* (1921):**

The great tides and currents which engulf the rest of men do not turn aside in their course and pass the judges by...(page 168). My duty as judge may be to objectify in law, not my own aspirations and convictions and philosophies, but the aspirations and convictions and philosophies of the men and women of my time. Hardly shall I do this well if my own sympathies and beliefs and passionate devotions are with a time that is past."(page 173).

40. **United Nations General Assembly, Human Rights Council: Report of the Special Rapporteur on Extreme Poverty and Human Rights on his mission to the United States of America (2018)**

"Who are "the Poor"? In imagining the poor, racist stereotypes are usually not far beneath the surface. The poor are overwhelmingly

assumed to be people of colour, whether African Americans or Hispanic “immigrants”. The reality is that there are 8 million more poor Whites than there are poor Blacks. The face of poverty in America is not only Black or Hispanic, but also White, Asian, and many other backgrounds. “According to the official poverty measures, in 2016, 12.7 percent of Americans were living in poverty, according to the supplemental poverty measure, the figure was 14 percent.” (Page 6).

41. “Justice should not only be done, but should ... be seen to be done.” **Lord**

Chief Justice Hewart in R v. Sussex Justices, ex p Mc Carthy (1923).

42. I move this Court to take judicial notice of all the opinions—especially

all the PCA opinions—issued by the District Court of Appeals of Florida,

particularly those of the Third District, since 1980.

**FLORIDA RULE OF CIVIL PROCEDURE 1.071 NOTICE
REQUIREMENT AND FLA. STAT. §86.091 NOTICE OF
COMPLIANCE WERE MET—AGAIN**

43. Copy of this Amended Petition will be sent—again—to Office of Attorney

General State of Florida, The Capitol PL-01, Tallahassee, FL 32399-1050 on

November 28th, 2018. Previous notice of Petition was sent on July 9th, 2018

by certified mail.

44. **NOTICE OF COMPLIANCE:** Notice of compliance with §86.091

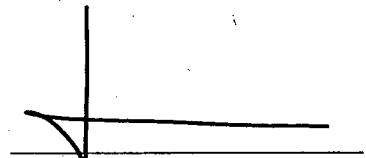
Florida Statute requirement was met on July 9th, 2018. But for the sake of

clarification it is repeated here again for this Amended Petition.

NOTICE OF COMPLIANCE WITH SECTION 86.091 FLORIDA STATUTES
(FORM 1.975)

The undersigned hereby gives notice of compliance with Fla. R. Civ. P. 1.071, with respect to the constitutional challenge brought pursuant to the Constitution of the State of Florida, Article V, §3(b)(3)'s provision "or that *expressly* and directly conflicts with a decision of another district court of appeal or of the supreme court on the same question of law"; **Florida Rule of Appellate Procedure 9.030(a)(2)(A) (iv)'s provision** "*expressly* and directly conflict with a decision of another district court of appeal or of the supreme court on the same question of law"; and "**Per Curiam Affirmances** (PCAs)(Unwritten Opinions) issued by district courts of appeals." (*emphasis*). The undersigned complied by serving the Attorney General for the state of Florida with a copy of the pleading or motion challenging the aforementioned provision of the Florida Constitution and Florida Rule of Appellate Procedure, and PCAs issued by district courts of appeals by certified mail on November 28th, 2018.

PRO SE


José Yeyille
5505 SW 135th Court
Miami, FL 33175

45. Copies of 3D-2605, SC18-845, and SC18-937 (*Supra*. ¶¶4,5,6, and 7)

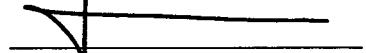
are attached to this Amended Petition. [See APPENDIX].

Dated:

November 28th, 2018

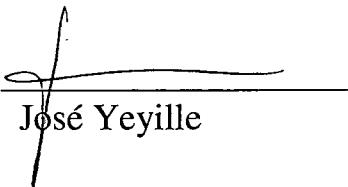
PRO SE

Respectfully submitted,


José Yeyille
5505 SW 135th Court
Miami, FL 33175

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been sent by U.S. mail to attorney for Respondents, Walter Harvey, School Board Attorney, The School Board of Miami-Dade County, Florida, 1450 NE 2nd Avenue, Room 430, Miami, FL 33132; and the Office of Attorney General, State of Florida, The Capitol PL-01, Tallahassee, FL 32399-1050 on this November 28th, 2018.



José Yeyille

Walter J. Harvey
School Board Attorney
The School Board of Miami-Dade County, Florida
1450 NE 2nd Avenue, Room 430
Miami, FL 33132

Department of Financial Services
200 E. Gaines Street,
Tallahassee, FL 32399

Office of Attorney General
State of Florida
The Capitol PL-01,
Tallahassee, FL 32399-1050

APPENDIX

Third District Court of Appeal

State of Florida

Opinion filed May 2, 2018.

Not final until disposition of timely filed motion for rehearing.

No. 3D17-2605
Lower Tribunal No. 15-25880

José Yeyille,
Appellant,

vs.

Armandina Acosta-Leon, et al.,
Appellees.

An Appeal from the Circuit Court for Miami-Dade County, Bronwyn C. Miller, Judge.

José Yeyille, in proper person.

Walter J. Harvey, School Board Attorney, and Luis M. Garcia, Deputy School Board Attorney, for appellees.

Before LAGOA, SALTER, and EMAS, JJ.

PER CURIAM.

Affirmed.

IN THE DISTRICT COURT OF APPEAL

OF FLORIDA

THIRD DISTRICT

MAY 22, 2018

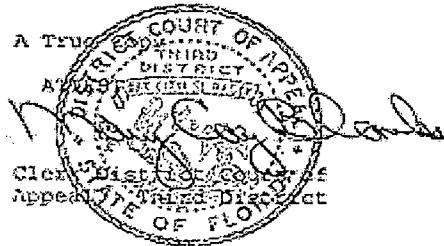
JOSE YEYILLE
Appellant(s)/Petitioner(s),
vs.
ARMANDINA ACOSTA-LEON, et al.,
Appellee(s)/Respondent(s),

CASE NO.: 3D17-2605
L.T. NO.: 15-25880

CORRECTED ORDER

Upon consideration, appellant's pro se motion for rehearing,
clarification and issuance of written opinion pursuant to Appellate Rule of Civil
Procedure 9.330(a) is hereby denied.

LAGOA, SALTER and EMAS, JJ., concur.



cc: Luis M. Garcia Walter J. Harvey Jose Yeyille

la

Supreme Court of Florida

THURSDAY, MAY 31, 2018

CASE NO.: SC18-845

Lower Tribunal No(s):

3D17-2605; 132015CA025880000001

JOSE YEYILLE

vs. ARMANDIANA ACOSTA-LEON

Petitioner(s)

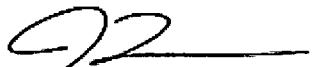
Respondent(s)

This case is hereby dismissed. This Court lacks jurisdiction to review an unelaborated decision from a district court of appeal that is issued without opinion or explanation or that merely cites to an authority that is not a case pending review in, or reversed or quashed by, this Court. *See Wells v. State*, 132 So. 3d 1110 (Fla. 2014); *Jackson v. State*, 926 So. 2d 1262 (Fla. 2006); *Gandy v. State*, 846 So. 2d 1141 (Fla. 2003); *Stallworth v. Moore*, 827 So. 2d 974 (Fla. 2002); *Harrison v. Hyster Co.*, 515 So. 2d 1279 (Fla. 1987); *Dodi Publ'g Co. v. Editorial Am. S.A.*, 385 So. 2d 1369 (Fla. 1980); *Jenkins v. State*, 385 So. 2d 1356 (Fla. 1980).

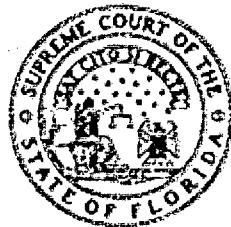
No motion for rehearing or reinstatement will be entertained by the Court.

A True Copy

Test:



John A. Tomasino
Clerk, Supreme Court



tw

Served:

WALTER JAMES HARVEY
LUIS MICHAEL GARCIA
JOSE YEYILLE
HON. MARY CAY BLANKS, CLERK
HON. HARVEY RUVIN, CLERK
HON. BRONWYN C. MILLER, JUDGE

Supreme Court of Florida

FRIDAY, JULY 6, 2018

CASE NO.: SC18-937
Lower Tribunal No(s).:
3D17-2605; 132015CA025880000001

JOSE' YEYILLE

vs. ARMANDINA ACOSTA-LEON, ET AL.

Petitioner(s)

Respondent(s)

In accordance with this Court's order in *Yeyille v. Acosta-Leon*, No. SC18-845, 2018 WL 2446962 (Fla. order filed May 31, 2018), the Court will not entertain rehearing or reinstatement in case number SC18-845. The petition to invoke all writs jurisdiction is dismissed for lack of jurisdiction because the petitioner has failed to cite an independent basis that would allow the Court to exercise its all writs authority and no such basis is apparent on the face of the petition. *See Williams v. State*, 913 So. 2d 541, 543-44 (Fla. 2005); *St. Paul Title Ins. Corp. v. Davis*, 392 So. 2d 1304, 1305 (Fla. 1980). No rehearing will be entertained by this Court.

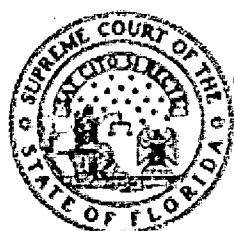
CANADY, C.J., and PARIENTE, LEWIS, QUINCE, and POLSTON, JJ., concur.

A True Copy

Test:



John A. Tomasino
Clerk, Supreme Court



dl

Served:

SARA M. MARKEN
WALTER JAMES HARVEY
LUIS MICHAEL GARCIA
JOSE' YEYILLE
HON. HARVEY RUVIN, CLERK
HON. MARY CAY BLANKS, CLERK