

No. **21-6058** ORIGINAL

SC21-700

IN THE

SUPREME COURT OF THE UNITED STATES

In Re: David James Lola

David James Lola — PETITIONER
(Your Name)

vs.

State of Florida — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of Florida
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

David James Lola

(Your Name)

Inmate # 18001264

Monroe County Detention Center

(Address)

5501 College Road

Key West, Florida 33040

(City, State, Zip Code)

(Phone Number)

RECEIVED

AUG 18 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

- 1) Does due process pursuant to the Fifth, Sixth, and Fourteenth Amendments dictate that a state court clerk may assign a criminal case to a judge who expresses an unfounded prejudicial opinion regarding the character and believability of a defendant?
- 2) Does due process pursuant to the Fifth, Sixth, and Fourteenth Amendments dictate that a state judicial system may act to subvert the United States Constitution through a silent coup d'etat by refusing to review unconstitutional decisions by individual trial judges?
- 3) Does due process pursuant to the Fifth, Sixth, and Fourteenth Amendments dictate that a state trial court may operate without oversight from higher courts whose opinions are void of legal authority?

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:

RELATED CASES

Lola v. Florida, U.S. S.Ct. Case 21-5085
docketed July 13th, 2021;
District Court of Appeal for Florida Third District
cases 3D21-0517, 3D21-0248 (2021), 3D20-1812 (2020);
Lola v. Florida;
Supreme Court of Florida, cases SC21-700
and SC21-428; Lola v. Florida;
Sixteenth Judicial Circuit of Florida,
Key West, cases 4:18-cf-575AK, 4:18-MM-642,
2018-MM-1287AK, 4:20-cf-633AK, Florida v.
Lola; 4:19-CA-1473, Lola v. Key West Citizen, et al.

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APPENDIX A	Supreme Court of Florida opinion, Thursday May 13, 2021, Case No.: SC21-700;
APPENDIX B	District Court of Appeal of Florida Third District April 20, 2021; Case No.: 3D21-0517;
APPENDIX C	District Court of Appeal of Florida Third District March 23, 2021; Case No.: 3D21-0517;
APPENDIX D	Motion For Reconsideration of order Denying Writ of Prohibition dated March 23 rd , 2021; April 3 rd , 2021; Case No.: 3D21-0517;
APPENDIX E	Motion For a Frank's Hearing dated June 14 th , 2021; Case No.: 18-CF-575AK.
APPENDIX F	

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Bounds v. Smith, U.S. S.Ct. (1977)

Matera v. Buchanan, 192 So. 2d 18 (3d DCA 1966)

STATUTES AND RULES

OTHER

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 to the petition and is

- ☒ reported at [No Library Access]; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the Florida Third District Appeal court appears at Appendix B to the petition and is

- ☒ reported at [No Internet or Library]; 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 May 13, 2021.
A copy of that decision appears at Appendix A.

☒ A timely petition for rehearing was thereafter denied on the following date: May 13, 2021, and a copy of the order denying rehearing appears at Appendix A.

☐ 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

Petitioner raises constitutional issues regarding due process pursuant to the Fifth, Sixth, and Fourteenth Amendments. The state of Florida operates a judicial system that does not respect an accused's right to be presumed innocent until such time as the state, if it can, establish^{*} beyond and to the exclusion of every reasonable doubt.

(Matera v. Buchanan, 192 So. 2d 18 (3d DCA 1966)).

Florida operates an appellate review system to entertain challenges to trial court decisions that intentionally refuses as a matter of policy, to issue written opinions regarding interlocutorily reviewable trial court orders. The state operates a judicial system in which the Florida Clerks of Courts Corporation permits clerks of court to refuse to accept documents filed by pro se (self-represented) defendants.

All of which violates the due process protections of the U.S. Constitution.

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STATEMENT OF THE CASE

This Petition is being prepared in the shadow of the COVID strain Delta re-outbreak pandemic with no law library or legal resources consistent with the holding of Bounds v. Smith (1977). Petitioner is an attorney and pre trial detainee who has been held illegally in county jail for over 3 years on unfounded felony allegations that are pretext for retaliation against Petitioner for his prior litigation against police departments. After over 2 (two) years of being held in Key West Jail on the verge of negotiating a pre trial release, a Ukrainian Citizen from Cuba filed an unfounded complaint against Petitioner that led to charges by State Attorney Dennis Ward through his associate Kelly Dugan for Battery on an inmate; which is a felony in the third degree. There is no corroborating evidence.

Petitioner was already being held on a string of fabricated charges of attempted murder and robbery (Case 2018-CF-575);

Statement of the Case

which Petitioner has relentlessly been challenging, the court's finding of probable cause (See Frank's Motion) since the inception of the case in 2018. Petitioner has experienced prejudice at the hands of five different judges since the inception of the cases in Key West in April 2018 when initially charged for resisting arrest non-violently for exercising his Fifth Amendment Rights when confronted by Key West Police during an investigation and illegal detention by same.

Petitioner objected to the illegally intrusive behaviour of the police officer. Petitioner was illegally arrested. Petitioner is an educated, trained, and practiced attorney and has participated as counsel in actions against police departments on behalf of his clients in the past. What is taking place in Key West and Monroe County is an abomination of justice.

Petitioner has suffered numerous prejudices at the hands of Judge Wilson

Statement of the Case

and the judges who rubber stamp any statement in support of arrest, whether under oath or not. Neither of the arrest statements in the alleged felony cases against Petitioners are under oath pursuant to the Fourth Amendment. Judge Wilson routinely makes snarky comments and engages in ad hominem attacks on Petitioner. Additionally, Judge Wilson in collusion with the clerk of court, Kevin Madok, refuses to receive motion filings or docket hearing dates.

This exposition is just the tip of the iceberg of constitutional violations and malfeasance in Monroe County warranting a Federal investigation.

Based on prior negative experiences of collusion and incompetence by the Public Defenders office and the State Attorney, Petitioner demanded to represent himself. Based on similar experiences of collusion and canned justice from Judge Wilson and others of the Sixteenth Judicial Circuit (Judge Mark Jones, Judge Percy Fowler, Judge Timothy Koenig, Judge Becker).

Statement of the Case

Petitioner requested a different, non-prejudiced judge be assigned at the outset of case 2020-cf-633AK. The motion was not docketed or scheduled for a hearing by Judge Wilson or clerk of Court, Kevin Madok. Petitioner then filed an appeal with the Third District Court of Appeal for Florida. The Appellate Court ruled on March 23, 2021,

"Appellant's pro se Notice of Appeal is treated as a petition for writ of prohibition, and it is ordered that said petition is hereby denied.

FERNANDEZ, MILLER, and LOBREE, JJ., concur" (Appendix C). No legal basis for the denial was provided.

Petitioner filed a Motion for Reconsideration on April 3rd, 2021. (App. D). Therein, after being attacked by four (4) inmates in jail (believed to be prompted by the Sheriff's Office) Petitioner lambasted, "This, all in an effort to cause such oppression and duress to cause me to capitulate to the authoritarian and fascist forces engaged in a silent

Statement of the Case

coup d'etat to deprive all people of their due process rights under the Florida and United States Constitutions. " (App. D, p. 788).

Directly following the charges for Battery on an inmate, Judge Wilson issued a bench warrant for arrest based on failure to appear; while Petitioner was being held in the county jail - as noted in the bench warrant. This was raised in the motion for reconsideration. (App. D, p. 4).

This is an onerous undertaking to oppose such an entrenched unjust administration. I am nearly 50 with very little purpose left in my life other than be true to the codes that dictate my behavior, the Ten Commandments and the U.S. Constitution. I have twice taken oaths to support and defend the Constitution of the United States.

"I am a product of this country's social programs to educate poor people and I am using it. I know my rights and I will not let this seditious

[illegible]

Statement of the Case

regime quietly steal the birthright of all Americans, our Bill of Rights, and remain silent. I will rage against this Orwellian machine of injustice, this malignant machine of totalitarian soviet-style show trials. Fulfill your oath!

'The spirit of resistance to government is so valuable on certain occasions that I wish it to be always kept alive. ~~It is~~ I like a little rebellion now and then. It is like a storm in the atmosphere. #1

(Thomas Jefferson to John Adams wife Abigail in response to Shay's Rebellion).

This is why I exercise my Fifth Amendment rights when confronted by jack-booted, thug police officers, and it is my - and every American's - right to do so. As well as, resist this present darkness and tyranny. Stop thief!" (App. D, p. 889). Our due process rights are under attack by our own government.

The Third District Court of Appeal refused to offer any meaningful ruling on the Motion for Reconsideration. (App. B).

[illegible]

Statement of the Case

Next Petitioner applied to the Supreme Court of Florida and the appeal was dismissed on May 13, 2021. (App. A).

Petitioner did not receive consideration of the underlying motion nor consideration of the appeals seeking a ruling.

Neither the Appellate Court nor the Supreme Court of Florida offered any meaningful basis for the Third District Court of Appeals denial.

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REASONS FOR GRANTING THE PETITION

The Sixteenth Judicial Circuit by refusing to docket, hear, and rule upon motions is denying an accused's the right to seek redress from the government guaranteed under the First Amendment, and is denying the protections of due process of law under the Fifth, Sixth and Fourteenth Amendments.

The Third District Court of Appeal by providing no basis for its dismissal of the appeal is failing to adequately consider and offer meaningful decisions based on legal principles and stare decisis.

The Florida Supreme Court has created a judicial system that allows it to sidestep making decisions and allowing the lower tribunals to spiral out of control.

As it stands now the only state actors evaluating the application of due process principles are zealously biased police and prosecutors. The trial court has abdicated its duty to the prosecutors and became a rubber stamp and primary level of punishment administration through pretrial detention, punishment, and torture by jailers (sheriffs). This is tyranny.

Reasons for Granting the Petition

The current kidnap, torture, and confession system that houses pre-trial detainees with convicted persons is an example of the failure of the modern judicial system in Florida to operate in accordance with the U.S. Constitution. The danger of a judicial system such as this is injustice that leads to a lack of confidence in the judiciary to act justly and leads to unfounded deprivations of liberty at the whim of state actors. In essence it advocates the systemic breakdown of civil society from one of the law to a rule by force. No longer are police acting in accord with the law, but behaving as if their actions are the permissible mode of behaviour creating the law; whether or not, consistent with the letter of the law.

Particularly vulnerable to Florida's justice system are the poor, regardless of their level of command of the letter of the law. The Florida Judiciary is acting completely unhinged from the

Reasons for Granting the Petition
legal principles promulgated by the
U.S. Constitution. As a result citizens
throughout the United States are being
tortured in the state of Florida due
to barbaric behaviour by a renegade
police force sanctioned by a rogue
judiciary that has abandoned its
role as neutral arbiters of justice.

This writ should be granted to
prevent further spread of this rogue
and seditious form of ~~judicial~~ judicial
administration that is a clear and
present danger to the continued
viability of the U.S. Constitution as
our guiding document, thus leading to
anarchy and violence. As seen in the
streets of America last spring.

"The tree of liberty must from time
to time be refreshed with the blood
of patriots and tyrants. It is its
natural manure." (Thomas Jefferson).

This petition has been prepared without
the benefit of a law library while
petitioner is being held in the Monroe
County Detention Center. An evil place

Reasons for Granting the Petition that kills inmates, tortures inmates, demeans inmates into suicide, refuses religious programs to operate steals and disrupts mail, engages in state sponsored slavery, exposes inmates to deadly virus and demonstrates the worst behaviours attributable to a dystopic police state. Authorities refuse to allow mail sent by Petitioner to reach attorneys on the outside or friends. Big brother lives on in the key west injustice system, - crushing the spirit of dignity and liberty.

Petitioner requests to supplement this writ if and when a law library with access to Westlaw or the like becomes available to use caselaw, shepardizing, and concepts of stare decisis. The CDC warden cancelled law library access after inmates attempted to file a class actions lawsuit based on COVID exposure in September 2020. Inmates are cutoff from communication with the outside world and have no internet access.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

_____

Date: 8/11/2021