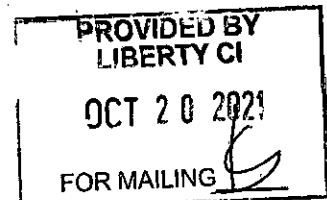


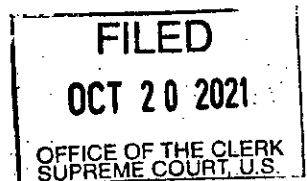
No. 21-6085



IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

Robert George Knecht, Jr. — PETITIONER
(Your Name)



VS.

FLORIDA DEPT. OF CORRECTIONS, ET AL. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

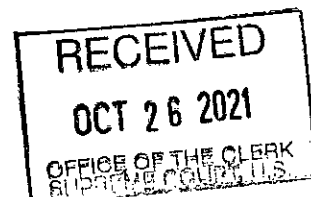
FIRST DISTRICT COURT OF APPEAL, STATE OF FLORIDA
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Robert George Knecht, Jr.
(Your Name)
LIBERTY CORRECTIONAL INSTITUTION
11064 NW. DEMPSEY BARRON ROAD
(Address)

BRISTOL, FLORIDA 32321-9711
(City, State, Zip Code)

"NOT APPLICABLE (N/A)"
(Phone Number)



QUESTION(S) PRESENTED

District
Whether the State, Court of Appeals erred and departed from the essential requirements of the law and per curiam Affirmed Petitioner's Federal Constitutional Claim.

ISSUE

Petitioner has been illegally arrested and restrained where the trial court lacked jurisdiction to entertain the prosecutor's case due to the warrant had not been filed with the clerk of the court to issue an arrest warrant for petitioner's arrest and the probable cause affidavit was insufficient to support a felony charge against petitioner and it creates a manifest of injustice and violates petitioner's rights against the U.S. Const. 4th, 5th, and 14th Amendment. And Fla. Const. Article I, Section 9, and 12, Due Process of Law.

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:

- (1) Hon. John A. Tomasio, Clerk of the Court, At The Supreme Court of Florida, 500 South Duval Street, Tallahassee, Florida 32399.
- (2) Hon. Kristina Samuels, Clerk of the Court, At the First District Court of Appeal, 2000 Drayton Drive, Tallahassee, Florida 32399.
- (3) Hon. David M. Frank, Judge and Hon. Daniel Stanley, Clerk of the Court, At the Second Judicial Circuit Court, Liberty County, 10818 NW SR 20 P.O. Box 399, Bristol, Florida 32321.
- (4) Hon. Ashley Moody, Attorney General, for the State of Florida, At the Capitol Place - 01, Tallahassee, Florida 32399, include Hon. Damaris E. Reynolds, Assistant Attorney General.
- (5) Hon. Lance Eric Neff, General Counsel, At Florida Department of Corrections, 501 South Calhoun Street, Tallahassee, FL 32399-2500.

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PER CURIAM Affirmed on Appeal from the Circuit Court for Liberty County.
- APPENDIX B : Circuit Court of the Second Judicial , CASE# 2020-CA-116,
Order Dismissed Petitioner's Petition for Writ of habeas Corpus without Prejudice .
- APPENDIX C : SUPREME COURT of Florida , CASE# SC21-1183, Order Dismissed
Petitioner's Petition for Discretionary Review.
- APPENDIX A1: Initial Brief of the Appellant
- APPENDIX A2: Appellant Reply brief
- APPENDIX B1: Petition for Writ of habeas Corpus
- APPENDIX C1: Notice to invoke Discretionary Jurisdiction
- APPENDIX C2: Jurisdiction Brief of the Petitioner

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 (N/A) to the petition and is

- ☐ reported at Not Applicable "N/A"; 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 (N/A) to the petition and is

- ☐ reported at Not Applicable "N/A"; 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 C to the petition and is

- ☐ reported at [redacted]; or,
☒ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the State District Court of Appeal court appears at Appendix A to the petition and is

- ☒ reported at 2021 Fla. App. Lexis 10740; 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 Not Applicable "N/A".

☐ 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: Not Applicable "N/A", and a copy of the order denying rehearing appears at Appendix "N/A".

☐ An extension of time to file the petition for a writ of certiorari was granted to and including "N/A" (date) on "N/A" (date) in Application No. A "N/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 Aug. 13, 2001.
A copy of that decision appears at Appendix C.

☐ A timely petition for rehearing was thereafter denied on the following date: Not Applicable "N/A", and a copy of the order denying rehearing appears at Appendix "N/A".

☐ An extension of time to file the petition for a writ of certiorari was granted to and including "N/A" (date) on "N/A" (date) in Application No. A "N/A".

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<u>Beck v. Ohio</u> , 379 U.S. 89, 91, 85 S. ct. 223, 225, 13 L. Ed. 2d 142 (1964)	7
<u>Bringer v. United States</u> , 338 U.S. 160, 175-176 69 S. ct. 1302, 1310-1311, 93 L. Ed. 1879 (1949)	7
<u>Cupp v. Murphy</u> , 412 U.S. 291, 294, 93 S. ct. 2000, 2003, 36 L. Ed. 900 (1973)	7
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<u>Gerstein v. Pugh</u> , 420 U.S. 103, 95 S. ct. 854, 43 L. Ed. 2d 54 (1975)	5, 6, 7
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<u>Louisville & Nashville Railroad Co., v. Mottley</u> , 211 U.S. 149, 152, 29 S. ct. 42, 53 L. Ed. 126 (1908), 10-11	
<u>Mapp v. Ohio</u> , 367 U.S. 643, 367 U.S. 655, S. ct. (1961)	10
<u>Munro v. United States</u> , 303 U.S. 36, 58 S. ct. 421, 82 L. Ed. 633	3, 4
<u>Spencer v. Kemna</u> , 523 U.S. 1, 118 S. ct. 978, 140 L. Ed. 2d 43 (1998)	10
<u>Steele v. United States</u> , 267 U.S. 498, 45 S. ct. 414, 69 L. Ed. 757 (1925)	8, 10
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OTHER

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Page

U.S. Const. 4th, 5th, And 14th Amendment. . . . II, 5, 14, 16

Fla. Const. Article 1, Section 9, And 12, Due Process of Law. II, 5, 14, 16

STATEMENT OF THE CASE

On December 1st 2020, Petitioner Robert George Knecht, Jr., Doe# A51483, "filed" and Submitted A "Petition for Writ of habeas Corpus" with Liberty Correctional Institution Prison Mail officials for mailing to the Second Judicial Circuit Court, in and for Liberty County, Florida. see exhibit "L" AS Appendix "B1" at Pg. 1.

And indicate
However, Petitioner asserts, from the Petition for Writ of habeas Corpus, filed on December 1st 2020, with the Second Judicial Circuit Court, in and for Liberty County, Florida, at Page (5) Five on the Petition on the claim: Petitioner alleges:

Petitioner has been illegally Arrested and restraint where the trial Court lacked Jurisdiction to entertain The Prosecutor's case Due to the Warrant had not been file with the Clerk of Court to issued an Arrest Warrant for Petitioner's Arrest and the Probable Cause Affidavit was Insufficient to Support a felony Charge against Petitioner and it creates a Manifest Injustice And Violates Petitioner's Rights Against The U.S. Const. 4th, 5th, And 14th Amendment And Fla. Const. Article 1, section 9, And 12, Due Process of Law. see, exhibit "L" AS Appendix "B1" at Pg. 5.

Nevertheless, on December 9th 2020, the Hon. David Frank, Circuit Judge, for the Second Judicial Circuit Court, in and for Liberty County, Florida, hereby "Dismissed The Petition for Writ of habeas Corpus, without Prejudice" to seek relief in his Criminal Case. see, exhibit "M", AS Appendix "B".

MOREOVER, on December 23rd 2020, Petitioner filed A Motion for Rehearing Pursuant to Fla. R. Crim. Pro. 3.850(j), on the Petition for Writ of habeas Corpus, On January 4th 2021, the Hon. David Michael Frank, Circuit Judge, hereby

denies the Motion for Rehearing, see exhibit "N" and Appendix "A1" at Pg. 1.

Hence, on January 21st, 2021, Petitioner "filed" and submitted a "Motion for leave to Appeal the Summary Dismissed without Prejudice on the Petition for Writ of habeas Corpus and an Initial brief of the Appellant", by placed it in the hands of Prison mail official at Liberty Correctional Institution for mailing to the State District Court of Appeal. See, Appendix "A1".

On April 20th, 2021, Petitioner filed and submitted his "Reply brief" by placed it in the hands of the Prison mail official at Liberty Correctional Institution for mailing to the State District Court of Appeal. See, Appendix "A2".

Nevertheless, Petitioner asserts the decision made by the "State District Court of Appeal, on July 15th, 2021, Per Curiam Affirmed" is unconstitutional, contrary and does not apply to Petitioner's "illegal detent claim". See, Appendix "B1" at Pg. 5; Appendix "A1" at Pgs. 2, 6, and Appendix "A".

Thus, on August 6th, 2021, Petitioner filed and submitted a "Notice to invoke discretionary Jurisdiction", by placed it in the hands of Prison mail official at Liberty Correctional Institution for mailing to the Supreme Court of Florida. See, Appendix "C1".

However, on August 13th, 2021, Petitioner file and submitted a "Jurisdiction brief of the Petitioner", by placed it in the hands of Prison mail officials at Liberty Correctional Institution for mailing to the Supreme Court of Florida. See, Appendix "C2". Hence, on the same date on August 13th, 2021, the "Supreme Court of Florida hereby dismissed Case # SC21-1183, for the "Notice to invoke discretionary Jurisdiction" for which it stated that 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, Appendix "C".

Argument

Pg. # 6

Jurisdiction under 28 U.S.C. § 1257(a), do exist:

This Court has Jurisdiction AS to the unconstitutional
And Contrary decision of the State Courts on
Petitioner's Federal Constitutional Claim.

Thus, Petitioner Asserts on June 4th, 2014, The Hon. Robert
R. Plains, Acting Circuit Judge, Signed A Warrant for Petitioner
ARREST, for Case # 14-58-CFA. See, NON-ARREST WARRANT, exhibit
"A". Petitioner Asserts The NON-ARREST WARRANT had NOT been "file"
with the Clerk of Court for Jefferson County, Whereas, the
NON-ARREST WARRANT, exhibit "A", had been served on Petitioner
on June 4th, 2014, at 14:55 PM by Inv. Don Barfield, (Deputy
Sheriff) J-12/CID at Jefferson County Jail, for which the
"Illegal" Arrest date shown on exhibit "B", Arrest/Notice to
Appear for a felony Charge of Sexual Battery, F.S. 794.011(2)(a),
the offense location is at Petitioner's Residence at 2427
South Jefferson Street, Monticello, Florida 32344, the
Process Violates Petitioner's Rights Guarantee to the Fla. Const.
And U.S. Const. of Due Process of Law." See, exhibit "L", Pet.
at Pgs. 6-7, And AS Appendix "B1", at Pgs. 6-7, And Appendix "A1", at
Pgs. 10-11. See, Also > Munro v. United States, 303 U.S. 36, 58
S.Ct. 421, 82 L.Ed. 633 ("holding, that, it is not the filing of
Petition Alone within the time limited for filing Suit which
gives Jurisdiction, but the filing of the Petition And Issuance
And Service of Process thereon, will not do. What was held there,
was that filing of A Petition WAS A Necessity, And that, Issuance
of Summons, Appearance by District Attorney in a Cause in which
NO Petition was filed did not toll the statute And confer

Jurisdiction (SIMILARLY).

However, Petitioner declares the NON-ARREST WARRANT, exhibit "A", for case #14-58-CFA, signed by The Honorable Robert R. Plains, Acting Circuit Judge for the Second Circuit, in Jefferson County, Florida, and the same had not been file with the Clerk of Court to issued an ARREST WARRANT to the Jefferson County Sheriff's Office to have Petitioner Arrested for the felony of Sexual battery, F.S. 794.011(2)(a). See, exhibit "L", at Pgs. 6-7, AND AS APPENDIX "B1", Pgs. 6-7, AND APPENDIX "A1", at Pg. 10-11. ^{See,} ^{SUPRA.} Munro v. United States,

Whereas, the NON-ARREST WARRANT, exhibit "A", had been file to the Jefferson County Sheriff's Office, on June 4th, 2014, at 4:34 PM, After Petitioner had been Arrested by Inv. Don Barfield (Deputy Sheriff) J-12/Cid at Jefferson County Jail, 171 Industrial Park (at 14:55 PM) See, Arrest/Notice to Appear, exhibit "B", for the felony of Sexual battery, F.S. 794.011(2)(a), in which the location of the offense is at 2427 South Jefferson Street, Monticello, Florida 32344, in which is the Petitioner's Residence. See exhibit "L", at Pgs. 2, 6-7, APPENDIX "B1", Pgs. 2, 6-7, APPENDIX "A1", Pgs. 10-11.

Hence, Petitioner asserts he being illegally Arrested bet 2 PM-3 PM by Inv. Don Barfield (Deputy Sheriff) J-12/Cid, on June 4th, 2014, at his Residence. And brought to Jefferson County Jail, where he being booked by Officer Roberts, at 15:56 PM. See, the NON-ARREST WARRANT, exhibit "A", and the Arrest/Notice to Appear, exhibit "B", both exhibits were received by the Clerk of Court for Jefferson County, on June 11th, 2014, at 2:59 PM.

Pg. #8

See, exhibit "L", at Pg. 2, 6-7, AS APPENDIX "B1", at Pg. 2, 6-7, AND APPENDIX "A1", at Pg. 10-11.

The Petitioner Asserts that the [NON-ARREST WARRANT, exhibit "A"]; [Notice to APPEAR, exhibit "B"] And [The Summary of Offense and Probable Cause Affidavit, exhibit "D"] had been received by the Clerk of Court, for Jefferson County, Florida, on June 11th, 2014, At 2:59 PM, After the illegal ARREST on Petitioner by Inv. Don Barfield, Deputy Sheriff, J-12/CID, With-
-out Any Authorization from the Honorable Robert R. Plains, to have the Clerk of the Circuit, for Jefferson County, Florida, to Issued A CAPIAS OR ARREST WARRANT for Petitioner's ARREST for which it violates Petitioner's rights ^{Against} the U.S. Const. 4th, 5th, And 14th Amendment And Fla. Const. Article 1, Section 9, And 12, Due Process of Law. See, Gerstein v. Pugh, 420 U.S. 103, 95 S. Ct. 854, 43 L. Ed. 2d 54 (1975) ("Whereby A Person ARRESTED Without A WARRANT And Charged by Information MAY be Jailed OR Subject to other restraints pending trial Without ANY OPPORTUNITY for A Probable Cause determination ARE Unconstitutional.") (SIMILARLY) See, exhibit "L", Pet. at Pgs. 7-8; AS APPENDIX "B1", at Pgs. 7-8, AND APPENDIX "A1", at Pgs. 11-12.

On June 5th, 2014, After the day of Petitioner's "Illegal ARREST" by Inv. Don Barfield, Deputy Sheriff, J-12/CID, The Hon. Robert R. Plains, Acting Circuit Judge, And the Assistant State Attorney, John A. Wilson, both came And visit Petitioner At Jefferson County Jail, Where Petitioner was informed by the Hon. Robert R. Plains, Acting Circuit Judge that he was ARRESTED And charge of Sexual battery. F.S. 794.011(2)(a), And the Court finds Probable Cause to detained Petitioner. See, The Probable Cause Affidavit, exhibit "L", Pet at Pgs. 8-9.

See exhibit "C", And APPendix A1, Initial brief, at Pg. 13.

However, Petitioner asserts even if the [Warrant, exhibit "A,"] had been filed with the Clerk of Circuit Court for Jefferson County to command the Clerk to issue A ARREST WARRANT for the arrest of the Petitioner, it would have been insufficient to support Probable Cause because it had not been support by Sworn Complaint that states fact showing Petitioner has committed A crime of Sexual battery, F.S. 794.011(2)(a), See, exhibit "L", at Pg. 8, and AS APPendix "B1", at Pg. 8, and APPendix "A1", Initial brief, at Pg. 12 See, Gerstein v. Pugh, SUPRA, at FootNotes "18". (A Person ARRESTED under A WARRANT would have Received A Prior Judicial determination of Probable Cause. Under Fla. Rule Crim. Proc. 3.120, A WARRANT MAY be issued upon A Sworn Complaint that states facts showing that The Suspect has committed A crime. The Magistrate MAY also take testimony under oath to determine if there is reasonable ground to believe the Complaint is true. (SIMILARLY).

Therefore, in the instant case at bar, Gerstein v. Pugh, SUPRA, Id. At *111-112 [67][71][87], Both the standards and Procedures for ARREST and detention have been derived from the fourth Amendment And its Common-Law Antecedents. See, Cupp v. Murphy, 412 U.S. 291, 294-295, 93 S.Ct. 2000, 2003, 36 L.ed. 900 (1973); ** 862 Ex Parte Bollman, 4 Cranch 75, 2 L.ed 554 (1807); Ex Parte Burford, 3 Cranch 448, 2 L.ed. 495 (1806). The Standard for ARREST is Probable Cause define in terms of facts And Circumstances sufficient to WARRANT A Prudent Man in believing that the (Suspect) had committed

OR WAS COMMITTING AN OFFENSE? Beck v. Ohio, 379 U.S. 89, 91, 85 S.Ct. 223, 225, 13 L.ed. 2d 142 (1964). See, > HENRY V. UNITED STATES, 361 U.S. 98, 80 S.Ct. 168 4 L.ed. 2d 134 (1959), see, also BRINEGAR V. UNITED STATES, 338 U.S. 160, 175-176 69 S.Ct. 1302, 1310-1311, 93 L.ed 1879 (1949) ("This standard, like those for searches and seizures, represents a necessary accommodation between the individual's right to liberty and state's duty to control crime. See, exhibit "L", Pet. at Pg. 9, AS APPENDIX "B1", AT Pg. 9, AND APPENDIX "A1", INITIAL BRIEF, AT Pg. 13.

Thus, Petitioner declares (that the standard - Probable Cause to believe the Suspect has committed a crime - traditionally has been decided by a Magistrate in a NON-Adversary proceeding on hearsay and written testimony, and the Court has approved these informal modes of proof.) See, Gerstein v. Pugh, SUPRA, Id. 120. (SIMILARLY) See, exhibit "L", Pet. at Pg. 9. AS APPENDIX "B1", AT Pg. 9, AND APPENDIX A1, INITIAL BRIEF, AT Pg. 14.

However, Petitioner asserts whatever procedure a state may adopt it must provide a fair and reliable determination of Probable Cause AS A Condition for any significant pre-trial restraint of liberty and this determination must be made by a Judicial Officer either before or promptly after arrest." See, > Gerstein v. Pugh, SUPRA, Id. AT 125. (SIMILARLY) See, exhibit "L", Pet. AT Pg. 9, AND AS APPENDIX "B1", AT Pg. 9, AND ALSO APPENDIX A1, AT Pg. 13-14.

Hence, Petitioner asserts on June 5th, 2014, he had transferred from Jefferson County Jail to Madison County Jail to avoid conflict with his son who is a Deputy Sheriff

Officer for Jefferson County Sheriff's Office along with his daughter-in-law who works for the Clerk of Court for the Second Judicial Circuit Court, in Jefferson County, Florida. See exhibit "L", Pet. at Pg. 11, and AS Appendix "B1", at Pg. 11, include Appendix "A1", Initial brief at Pg. 15.

Nevertheless, Petitioner declares he had been illegally arrested and restraint at Madison County Jail, at 823 Pinckney Street, Madison, Florida 32340, by Sergeant D.H. Pitts, MC-11, who had served (3) Three Jefferson County Warrants. See exhibit "H", for Case NO.: 14-135-CFA; exhibit "I", for Case NO.: 14-136-CFA, and exhibit "J", for Case NO.: 14-137-CFA, listed on the defendant as Robert George Knecht Jr. (2) Two of the Warrants were Lewd and Lascivious Molestation of a child under (12) years old and another (1) one of the Warrants is Lewd and Lascivious exhibition child under (12) twelve years old. See exhibit "G", Arrest / Notice to Appear, for Madison County Sheriff's Office. See, also exhibit "L", Pet. at Pg. 11, AS Appendix "B1", at Pg. 11, and Appendix "A1", at Pg. 16.

Therefore, Petitioner asserts Sergeant D.H. Pitts, Deputy Sheriff, MC-11, did not have the Authority and Jurisdiction to served the following (3) three Jefferson County Warrants on defendant as the Petitioner: for exhibit "H", Case NO.: 14-135-CFA, exhibit "I", Case NO.: 14-136-CFA, and exhibit "J", Case NO.: 14-137-CFA, on September 10th, 2014, at Madison County Jail, where all (3) three Warrants violated Appellant's rights to due process. > Steele v. United States, 267 U.S. 498, 45 S. Ct. 414, 69 L. Ed 757 (1925) ("The Warrant of

SEARCH AND SEIZURE WAS executed by an Authorized Officer, and is void.) (SIMILARLY). See, exhibit "L", Pet. at Pg. 11, AS APPENDIX "B1", at Pg. 11, And APPENDIX "A1", Initial brief, at Pg. 16.

Thus, Petitioner Asserts One exception to this general Principle, found in Fla. Stat. Ch. 901.25: "Pursuant to the 'Under Color of Office' doctrine, Police Officer's Acting out-side their Jurisdiction but Not in Fresh Pursuit MAY NOT utilize the Power of their Office to gather evidence or ferret out Criminal Activity NOT OTHERWISE OBSERVABLE. (SIMILARLY) When Officers unlawfully Assert Official Authority, either expressly or implicitly, in Order to gain Access to evidence, That evidence Must be Suppressed." (SIMILARLY) See, exhibit "L", Pet. at Pg. 11, AS APPENDIX "B1", at Pg. 11, And AS APPENDIX "A1", Initial brief at Pg. 16.

However, Appellant declares ALL (3) Three Warrants Should have been Suppressed by a Motion on the trial Court for which it have been file and entered on September 19, 2014, in the Clerk of Circuit Court for Second Judicial Circuit, in Jefferson County, Florida. See, exhibit "G", ARREST/Notice to APPEAR, Madison County Sheriff's Office. See, also exhibit "L", Pet. Pgs. 11-12, AS APPENDIX B1, at Pgs. 11-12, And APPENDIX "A1", Initial brief at Pg. 16.

Hence, Petitioner Asserts in the instant case at bar > DAVIS V. Mississippi, 394 U.S. 721, 724, S.Ct. (1969) OUR decisions recognize NO exception to the rule that illegally seized evidence is inadmissible at trial, however, relevant and trust worthy the seized evidence may be AS an item of proof. The exclusionary rule

was fashioned as a sanction to redress and deter overreaching governmental conduct prohibited by the fourth Amendment. To make an exception for illegally seized evidence which is trustworthy would fatally undermine these purposes. Thus, in MAPP v. Ohio, 367 U.S. 643, 367 U.S. 655 (1961) we held that "all evidences obtained by searches and seizures in violation of the Constitution is, by that same authority, inadmissible in a state court." (SIMILARLY).

Nevertheless, Petitioner asserts in the instant cause Sergeant D. H. Pitts, Deputy Sheriff Mc-11, had used (3) three warrants for Jefferson County exhibit "A", for case NO.: 14-135-CFA; exhibit "I", for case NO.: 14-136-CF; exhibit "J", for case NO.: 14-137-CFA, for which the warrants was issue outside the boundaries of Madison County "Jurisdiction" and executed on Appellant or Petitioner. See Steele v. United States, Supra (SIMILARLY) and it violates Petitioner's rights against the U.S. Const. 4, 5th, 14th Amendments and Fla. Const. Article 1, Section 9, and 12, due process of Law. See, exhibit "L", Pet. at Pg. 12, AS Appendix "B1", at Pg. 12, and Appendix A1, at Pg. 17.

MOREOVER, one type of claim that has historically been recognized as fundamental, and for which collateral relief has accordingly been available, is that of "Jurisdictional" error. See, United States v. Addonizio, 442 U.S. 178, 185, 99 S. Ct. 2235, 60 L. Ed. 2d 805 (1979) ("Habe Corpus has long been available to attack convictions and sentences entered by a court without jurisdiction." (SIMILARLY). See, exhibit "L", Pet. at Pgs. 5-6, AS Appendix "B1", Pgs. 5-6, and Appendix "A1", Pgs. 8, 9 and 10.

Thus, Petitioner asserts when a court without jurisdiction convict and sentences a defendant, the convictions and sentence are void from their inception and remain void long after a defendant has fully suffered their direct force. Moreover, as the Honorable Court reiterated in Spencer v. Kemna, 523 U.S. 1, 118 S. Ct. 978, 140 L. Ed. 2d 43 (1998) "it is an obvious fact of life that most criminal convictions do in fact entail adverse collateral legal consequences." Id. at 12, 118 S. Ct. 978. (SIMILARLY). Since jurisdictional error implicates a court's power to adjudicate the matter before it. Such error can never be waived by parties to litigation. See Louisville & Nashville Railroad Co. v. Mottley, 211 U.S. 149, 152, 29 S. Ct. 42, 53 L. Ed 126

(1908) "Ordering case dismissed for lack of Jurisdiction despite Absence of Objection from either Party to trial Court's Previous Adjudication of Merits." (SIMILARLY). In other words, the doctrine of Procedure default does NOT APPLY (SIMILARLY). "If the commitment be against law, as being made by one who had NO Jurisdiction of the Cause or for a matter for which by law no man ought to be punished, the Court are to discharge." See, Ex Parte Siebold, 100 U.S. 371, 376, 25 L. 717 (1880) (SIMILARLY). "A conviction or sentence imposed in violation of a substantive rule is not just erroneous but contrary to law and, as a result, void." See, Siebold 100 U.S., at 376, 25 L. ed. 717 (SIMILARLY). See, exhibit "L", Pet. at Pg. 12, AS Appendix "B1", at Pg. 12, and Appendix "A1", at Pg. 17.

Hence, Petitioner asserts the entry of a guilty Plea does NOT foreclose on later claim premise on the trial Court's lack of Subject-Matter Jurisdiction. "A claim is 'Jurisdictional' if it can be resolved by examining the face of the indictment or the record at the time of the Plea without requiring further proceeding. In order to determine whether Petitioner is entitled to relief, therefore the Honorable Court must determine whether the error comprised by the trial Court's in Jefferson County's Acceptance of Petitioner's Plea was such a 'fundamental character' as to have 'rendered the proceeding itself irregular and invalid.' See United States v. Morgan, 346 U.S. 502, 509 n. 15, 74 S.Ct. 247, 98 L. ed. 248 (1954) (SIMILARLY). See, exhibit "L", Pet. at Pg. 12, AS Appendix "B1", at Pg. 12, and Appendix "A1", at Pg. 17.

Thus, Petitioner declares on January 26th, 2015, his Counsel Hon. Theresa A. Flurry, and the State agrees to the following disposition: exhibit "J", for Case #: 14-137 CFA, Count 1, Lewd or Lascivious molestation did enter a Plea of NO Contest. Adjudication of guilt. See, exhibit "K", Plea and Acknowledgment of Rights. See, also exhibit "L", Pet. at Pg. 12, AS Appendix "B1", at Pg. 12, and Appendix "A1", at Pg. 17-18.

However, Petitioner asserts he has been violated by the Hon. Kathleen Dekker, Senior Judge, where the followings warrants listed in this Cause should have been suppressed by Motion on the Court and dismissed the following cases, exhibit "A", Case NO: 14-58 CFA; exhibit

"H", Case NO: 14-135-CFA; exhibit "I", Case NO: 14-136-CFA, and exhibit "J", Case NO: 14-137-CFA, where the trial Court lacked Jurisdiction to enter Judgment Against Appellant or Petitioner on February 9th, 2015, for the cases listed above. See, exhibit "F," AS Judgment or detention Order, it deprived Appellants or Petitioner's Rights Against the U.S. Const. 4th, 5th, 14th Amendment and Fla. Const. Article 1, Section 9, and 12, due process of Law. See, exhibit "L", Pet. at Pgs. 12-13, AS Appendix "B1", at Pgs. 12-13, and Appendix "A1", at Pg. 18.

Therefore, Petitioner has been illegally detained and serving unconstitutional Judgment or detention Order, for which is Null and Void, in the Florida Department of Corrections, Moreover, the unconstitutional Incarceration should be Applied in consideration for relief eligibility: See, Appendix "A1", at Pg. 18.

Reason for Granting the Petition

Petitioner Assests the important considerations for the Honorable Court Accepting this case for review include the existence of A Conflict between the decision of which Review is Sought An decision of the Honorable Court on the Same issue for which the State Courts decision are in conflict and Another consideration is the importance to the public of the issue for which the State Courts decision is creating Manifest of Injustice Against the Petitioner's Rights to the U.S. Const. 4th, 5th, 14th Amendment and Fla. Const. Article 1, Section 9, and 12, Due Process of Law.

Thus, its in the interest of Justice for the Honorable Court to the Correct the Manifest of injustice from the State District Court of Appeal, for which Petitioner respectfully moves the Honorable Court on a hearing and to "VACATE" the Judgment or detention Order on February 9th, 2015, by the Honorable Kathleen Dekker, Senior Judge, and the Per Curiam Affirmed in the State District Court of Appeal for which the Judgment or detention Order proving to be in conflict with the cases cited from the Honorable Court, for which the Judgment is "Null and Void." See, exhibit "F," Judgment or detention Order. See, exhibit "L", Pet. at Pgs. 12-13, and Appendix A1, at Pg. 18.

Nevertheless, Petitioner illegal detention claim shows The Honorable Court where it is Merit for An Immediate Release of "his" Person from The Florida Department of Corrections. See, exhibit "L" At Pg. 14, As Appendix "B1", At Pg. 14, And Appendix "A1", At Pgs. 18-19.

Conclusion

Wherefore, based on the foregoing Citations to the Law and facts herein: its in the interest of Justice and due Process. Petitioner moves The Honorable Court on a hearing granting The Petition for certiorari and have the State District Court of Appeal decision "Vacate" for which is erroneous and unconstitutional with instructions on remand and An immediately Release of "his" Person from Florida Department of Corrections.

Date: October 20th, 2021.

Respectfully Submitted,

Robert George Knecht Jr.

Robert George Knecht Jr., Doc # A51483
Petitioner / Appellant, Pro Se.

UNNotarized Oath of Affirmation

Under Penalty of Perjury, I declare that I have read the foregoing and that the facts stated in it are true and correct in accordance with Florida Statute § 92.525 (1999), and Title 28 U.S.C., 1746, Unsworn declaration under Penalty of Perjury, Executed on this 20th day of October 2021.

Respectfully Submitted,

Robert George Knecht Jr.

Robert George Knecht Jr., Doc # A51483
Liberty Correctional Institution
11064 NW Dempsey Barron Road
Bristol, Florida 32321-9711

Certificate of Service

I hereby Certify that a true and correct copy of the foregoing has been placed in the hands of Institutional Officials, for mailing via first-class (3) three business days delivered by U.S. MAIL, Postage pre-paid to: Office of the Attorney General of the United States, Hon. Merrit Garland, Department of Justice, Room 5614 950 Pennsylvania Ave., NW., Washington, D.C. 20530-0001; Office of the Attorney General, State of Florida, Hon. Ashley Moody, at the Capitol Place-01, Tallahassee, Florida 32399-1050, include Hon. Damaris E. Reynolds, Assistant Attorney General, and Hon. Lance Eric Neff, General Counsel, at Florida Department of Correction 501 South Calhoun Street, Tallahassee, Florida 32399-2500, on this the 20th day of October, 2021.

Robert G. Knecht Jr.
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