

21-6870

No. FA0003245

ORIGINAL

SC21-617

FILED

NOV 29 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Daniel Diamond

Daniel Diamond

(Your Name)

— PETITIONER

vs.

The State Of Florida

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Third District Court Of Appeal

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Daniel Diamond

(Your Name)

138517 N.W 41st street

(Address)

Doral, Fl. 33178

(City, State, Zip Code)

inarcerated

(Phone Number)

QUESTION(S) PRESENTED

- 1- why petitioner was not contacted prior to Court date regarding deceased Counsel which was 2/25/2021?
- 2- deceased Counsel listed in Case information but why not in Court docket like all other counsels?
- 3- why the Court never responded back after acknowledges petitioner's concerned letters (2) regarding deceased Counsel?
- 4- why the Court never responded back even after (4) four letters from Supreme Court of Florida all in reference of deceased Counsel?
- 5- why alleged Counsel Gormish never mentioned to petitioner he's now in charge of deceased Counsel Case F20003245?
- 6- why prior to Court date 2/25/2021 and prior Zoom conversation with alleged Counsel Gormish failed to mention he's in charge of deceased Counsel Case?
- 7- Alleged Counsel Gormish is listed in numerous docket information why did he failed to mention he's in charge of deceased Counsel Case?
- 8- why when petitioner went to Court on those (2) two following date 1/1 and 1/1 failed to inform petitioner about deceased Counsel?
- 9- why petitioner had to find out through a motion not adopted that Counsel was assigned to deceased Counsel's Case?
- 10- why the Court never acknowledge petitioner Due process of Law in inform petitioner of his deceased Counsel to Case No. F20003245?
- 11- is it the State of Florida and the Court to keep the petitioner in jail since petitioner is indigent? Counsel was appointed by them?

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APPENDIX A	Copies of Letters (2A) and (2B) copy of Enclen envelope stating Attorney Carlson Alex has been deceased
APPENDIX B	4. Letter From Supreme Court of Florida Letter from the Florida Bar
APPENDIX C	Copy of pro se motion for discovery Copy of motion for no continuation - 6 pages
APPENDIX D	Copies of petitioner's docket information Two (2) with deceased attorney's name Carlson Alex.
APPENDIX E	Copy of due process violation motion filed on 4/28/2021 5 pages Copy of motion of due process violation (8 pages)
APPENDIX F	Appeal motion July 16th 2021 10 pages Copy of order denying petitioner's pro se motion of due process treated as petition for writ Habeas Corpus filed on 4/28/2021 - copy of third District Court of Appeal July 8, 2021 Never got a reply on appeal Copy of District Court of Appeal of Florida 3rd District July 29, 2021

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 D 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 D 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 D to the petition and is

☐ reported at Sec 126 on 7/29/2021 DCA Docket; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the 11th Judicial Court court appears at Appendix F to the petition and is

☐ reported at June 7th, 2021; 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 Florida.

☐ 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 November 9, 2021 (date) on November 10, 2021 (date) in Application No. A D.

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 7/29/2021.
A copy of that decision appears at Appendix D.

☐ A timely petition for rehearing was thereafter denied on the following date: 6/29/2021, and a copy of the order denying rehearing appears at Appendix D. clerk's fee No. 126 on 7/29/21 a copy of denying was sent to defendant

☐ 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).

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

- Scott v. Illinois U.S. Sup CT 1979.
- Strickland v. Washington U.S. Sup CT 1984
- Robinson v. California U.S. Sup CT 1962
- Gideon v. Wainwright U.S. Sup CT 1963
- Graham v. State 372 So 2d 1363, 368 Fla 1978
- Brady v. Maryland 372 U.S. 83 1963
- Giglio v. United States 405 U.S. 150 1972
- Lunta v. City of Daytona Beach 876 So. 2d 34 (Fla. Dist App. 5th Dist. 2004)
- Barfield v. Brierton 883 Fla 2d 923 14 Fed. R. Serv. 1214 (11th CT 1989)
- Garland v. Washington 232 U.S. 642, 345 CT. 456, 58 Fed 772 (1914)
- Haire v. Florida depart. of agriculture and consumer serv. 870 So 2d 774 Fla. 2004
- M.W. v. Davis 756 So 2d 90 Fla. 2000
- State ex rel Brandon v. Gates 134 So 2d 497 Fla. 1961
- William v. Kelly 133 Fla. 244, 182 So 831 1938

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

STATUTES AND RULES

- 1- Federal Rules of Criminal Procedure 2018-19 U.S. Courts
Rule 44 Right to appointed counsel A and B
- 2- Florida Rule of Criminal Procedure 2019 Rule 3.111
providing Counsel to indigents (1)
- 3- Florida Statute § 482 XVIII Due process of Law (B)
- 4- Florida Rule 3.220
- 5- Florida Statute § 489 XVIII Due process of Law (B)
Florida juris prudence Second edition

OTHER

U.S. Bill of Rights
Northside Police Station 799 NW 87th Street Miami, FL 33150

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Constitution No. 5
U.S. Constitution No. 6
U.S. Constitution No. 8
U.S. Constitution No. 14

STATEMENT OF THE CASE

On February 23rd 2020 Petitioner was charged with Battery Felony Third degree. Court Room 7-4 Justice Building judge Fernandez L. Jose Criminal Division and the State of Florida Miami Dade County assigned Counsel Carlson Alex Bar No: 11865 to Case No: F20003245. See Petitioner's Case information Appendix A.

On February 05th 2021 A year later Petitioner Daniel Dumond was scheduled to be in Court and was being represented by Counsel Carlson Alex. whom the State of Florida Miami-Dade County have appointed to petitioner. When petitioner was not taken to Court and did not received a call from Counsel. Petitioner wrote a letter concerning his Case No: F20003245. But his letter was returned on March 5th 2021 stating "Return Back to Sender Attorney deceased" See copy of returned envelope. ex B. Prior to finding out, Petitioner's had zoom telephone interview with alleged Counsel Jeremiah N. Steven. Alleged Counsel informed defendant that he was not in charge of Case No: F20003245 it was deceased Counsel Carlson Alex that was. After petitioner had given alleged Counsel Jeremiah N. Steven all sensitive information related to Case No: F20003245 of his deceased Counsel.

The petitioner asserts that upon receiving his returned mail stated that his Attorney for Case No: F20003245 have been deceased. Petitioner wrote several letters to the Court and the judge in charge of Case No: F20003245. Expressing his concern and as to why he was not notified prior to petitioner's Court date which was Feb. 25, 2021 See docket information ex 24 Sequence number 63 dated 3/15/2021 and Sequence number 98 dated 5/11/2021 letter from defendant pleading "I did

Statement OF The Case 2-07-5

in case No.: F20003245. Furthermore petitioner wrote also a letter to U.S. District Clerk of Court pleading his case and cause as to why the 11th judicial Court and the State of Florida failed to inform or contacted him in regards of his Counsel to Case No.: F20003245 have been deceased which violates Petitioner's Due process of Law April 26th 2021 1:23pm (see copy of letter ex 2B). Also petitioner even wrote an emergency letter to U.S. Supreme Court on April 19th 2021 expressing the same concern (see copies of letter B) pages 2A). Still the Court or the State of Florida Miami Dade County and Alleged Counsel Yermish n. Steven failed to inform petitioner that his Counsel to Case No.: F20003245 have been deceased and Alleged Counsel Yermish n. Steven is now appointed to deceased Counsel Case No.: F20003245. Carlson Alex Bar No.: 11865. which further prove the voluntary violation of petitioner's Due process of Law by intentionally withheld information from petitioner regarding his Counsel have been deceased in Case No.: F20003245. Forbids by the U.S. 8th Constitutional Amendment.

Furthermore on April 28th 2021 petitioner filed motion at Due process of Law which was treated as Relief for writ Habeas Corpus on May 27th 2021 that was denied without hearing. Bias or prejudice which the Petitioner find unacceptable due to the fact that. Petitioner know Sherman and proven his due process of Law, His 5th, 14th and 14th U.S. Constitution and Amendments and State Law's petitioner is entitled to be informed or contacted regarding deceased Counsel who was assigned to his Case No. F20003245.

Petitioner Asserts that on July 16th 2021 Filed an appeal motion

Statement of The Case 3-of-5

in reference to the Court Denying his Due process at Law violation which was created has habeas corpus where petitioner express and show that how the State of Florida, Miami Dade County whom appointed deceased Counsel Carlson Alex Bar No. 4 11865 to petitioner's case No. 8 F20003245 have violated his Due process at law also the Court and alleged Counsel (Fornish N. Stone) for being negligence, Bias and prejudice of the U.S. 8th Amendment, cruel and unusual punishment of the law. Failed to uphold the State and Federal Law of Due process at the Law. by not letting petitioner know that his assigned Counsel to case No. 8 F20003245 Counsel Carlson Alex had been deceased prior to February 25th, 2021 Court date and was never informed that he was appointed a new Counsel to deceased Counsel's case No. 8 F20003245. Petitioner asserts that he filed motion for continuance on 6/1/2021 Sequence Number 93. Based on the fact petitioner was never informed or contacted prior to his 2/25th/2021 Court date that his assigned Counsel to Case No. 8 F20003245 have been deceased and a new Counsel have been appointed. which violates petitioner's Due process at law. The State of Florida Miami Dade County who have assigned deceased Counsel to Case No. 8 F20003245, The Court and the Surprised alleged assigned Counsel (Fornish N. Stone) have violated petitioner's 5th, 6th, and 14th U.S. Constitutional Amendments negligently in a cruel and unusual punishment which the 8th U.S. Constitutional Amendment forbids. On 5/12/2021 petitioner filed motion for Disturbance for Case No. 8 F20003245 which was except at proceeding on 5/27th, 2021 before Judge Jose L. Fernandez. Assistant State Attorney S. Ivan Paulus and alleged

Statement of the Case 4-07-5

Surprised assigned Counsel Hermish at Stenton was stricken by the Court and not adopted by Surprised alleged Counsel for Case No. 8 Fa0003245. Prior to this Surprised Revelation Petitioner had spoken to Alleged Counsel Hermish at Stenton during two (2) separate zoom telephonic interviews. Alleged Counsel Hermish at Stenton never mentioned that he was assigned to deceased Counsel Case No. 8 Fa0003245. At one point Petitioner's had his family e-mailed Alleged Counsel Hermish at Stenton sensitive informations related to Case No. 8 Fa0003245 of deceased Counsel. Alleged Counsel Hermish at Stenton informed Petitioner that he was not in charge of that Case No. 8 Fa0003245. That the case belongs to Carlson Alex Bar No. 11865. This only proves that first the State of Florida Miami Dade County the Court and the Alleged Surprised Counsel Hermish at Stenton have intentionally neglect to inform Petitioner of deceased Attorney Carlson Alex. ~~distorting Petitioner~~ Due process of law being bias and prejudice failing to adequately inform Petitioner either by mail or zoom telephonic interviews to notify Petitioner that this Counsel to Case No. 8 Fa0003245 Carlson Alex have been deceased. (See Petitioner's Direct information with deceased Counsel some prior and after Petitioner's Court date 2/25th/2021.)

Finally, Petitioner attempted to filed Complaint to Florida Bar upon discovering a Attorney Carlson Alex Bar No. 11865 have been deceased. On March 2nd, 2021 Petitioner received Respond letter from Florida Bar Annemarie Craft Bar Counsel. Attorney Consumer Assistant program stating they cannot find an attorney using the name Petitioner provided which was Carlson Alex.

Statement Of The Case 5-07-5

The State of Florida Miami Dade County who have assigned
Deceased Counsel Carlson Alex Bar No. 11865 to Case No. B
F20003245. The Court and the alleged Counsel were aware that
Counsel Carlson Alex had been dismissed and failed to follow
the State and Federal Laws and neglecting to acknowledge
petitioner's Due process of Law. In fact on different occasions
Supreme Court of Florida wrote petitioner in which no documented
in Case information of petitioner. On April 27th, 2021 Supreme
Court of Florida has received the following documents reflecting
filing date of 4/26/2021 regarding petitioner's due process of law
violation pertaining his Deceased Counsel. (See exh 1A) then on May
5th, 2021 Supreme Court of Florida petitioner received another letter
(See exh 1B) also on May 10th, 2021 Supreme Court of Florida
sent petitioner another letter all in regards of his due process
of Law violation. (See exh 1C) and finally Supreme Court
of Florida office of the Clerk sent petitioner a fourth letter of
acknowledgment reflecting filing date of 5/24th/2021 written
by petitioner in reference to Deceased Counsel. For Case No. B
F20003245. The State of Florida Miami Dade County, The Court and
the alleged Counsel had adequate time to properly contact
petitioner about his deceased Counsel Carlson Alex Bar No. 11865
Case No. B F20003245 instead of intentionally being negligent
bias and prejudice by violating petitioner's 5th, 6th, and 14th
U.S. Constitution Amendment and Due process of Law.
Also alleged Counsel (Germish W. Sklar) in the lawless, negligence
bias and prejudice and conflict of interest petitioner have dismissed
Counsel which was granted.

REASONS FOR GRANTING THE PETITION

whereby petitioner requesting this to grant petitioner's motion of certiorari of Due process of Law violation motion which was treated has with habeas Corpus due to The State of Florida Miami Dade County. The Court and the alleged Counsel Urmisch Inc bias and prejudice and negligence which violates U.S. 8th Amendment of the Constitution. Cruel and unusual punishment. Due process of law encompasses both substantial and procedural due process. Substantive due process under the Florida Constitution protects the full panoply of individuals Rights from unwarranted encroachment by the government under the Florida Constitution guarantees to every citizen the right to have that course of legal procedure that has been established in Florida judicial system for the protection and enforcement of private right that includes rights to inform, communicate to petitioner in an adequate time this comes to case No.: FA0003245 have been decreased. What action have been taking. 14 now appointment of Counsel have assign to replace deceased Counsel Carlson Alex to case No.: FA0003245. Bar No.: 11865 prior to petitioner's court date, dated February 25th 2021 and after the petitioner's court. to protect the petitioner's 14th U.S Amendment of the Constitution which reaches those fundamental right which objectively Deeply Rooted in the Nation's History and Tradition and implicit in the concept of ordered liberty such right as those are enumerated in the Bill of Right of the United States which have protected the government from engaging in conduct that interferes with those right that are fundamental rights that are implicit in the concept of ordered liberty interest protected by due process clause which the State of Florida, Miami Dade County the Court and the alleged Counsel Urmisch have violated when they failed to notify petitioner

Reason for granting The petition 2-17-3

Not only his counsel Carlson Alex Bar No. 611865 To Case No. 8 F0003245 have been deceased and new counsel have been appointed. The Law states, in all proceedings shall the accused be represented by counsel, and shall uphold the integrity of the Law without negligence, bias and prejudice withholding information regarding petitioner's deceased counsel to case No. 8 F0003245 is a direct violation of petitioner's due process of law. To take away or withhold information from (no person shall be deprived of life, liberty without due process of law all allege criminals prosecution, the accused shall enjoy the right to have the assistance of counsel for his defense zealously and fairly. The organic requirement of due process of Law must be afforded whether such action the exercise of powers of government by governmental departments or duly authorized administration or ministerial action or duty. Covid-19 or claim of excessive work or just being negligence are not an exculpate for the State of Florida Miami Dade County, the Court and the allege counsel Ipermish N. Station whom petitioner have dismissed on all cases. Should not have violate petitioner's due process of law. Petitioner is on little to be inform about his counsel being deceased to Case No. 8 F0003245. Due process clause, state, a clause in a constitution, prohibiting the government from depriving a person of life, liberty or property without due process of law. Without a reasonable doubt petitioner protest that the State of Florida Miami Dade County the Court and was then alleged assigned counsel Ipermish N. Station have been negligence bias and prejudice and in the life. For violating petitioner's due process of law which state and Federal Laws and U.S. Constitution guaranteed of the right

To Counsel was made applicable to the state. meaning petitioner should
of given a notice in an adequate time that his counsel to case no: F20003245
Carlson Alex Bar No: 11865 have been deceased. prior to his court date. What
action have been taken and an appointment of new counsel in an adequate
time for petitioner to prepare defense without violating petitioner's
Due diligence.

Conclusion

wherefore the petitioner request this court to grant motion and dismissed
this case F20003245 for violating petitioner's Due process of law
due to The State of Florida and The Court failure to adequately inform
The petitioner of deceased Attorney.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

D. I. D.

Date: _____