

21-6975 ORIGINAL

SC21-836

IN THE

SUPREME COURT OF THE UNITED STATES

In Re: David James Lola

David James Lola — PETITIONER
(Your Name)

vs.

Sheriff Rick Ramsay — 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 Rd.

Key West, FL 33040

(City, State, Zip Code)

(305) 851-6209

(Phone Number)

FILED

NOV 01 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

RECEIVED

DEC 27 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

RECEIVED

NOV 16 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

Does an innocent citizen representing themselves against criminal allegations, also known as pro se, and incarcerated prior to trial have a due process right pursuant to the Fifth, Sixth, or Fourteenth Amendments to rely upon the plain meaning of a state appellate court's order that the defendant will have an opportunity to submit a reply to a respondent's response prior to the court's rendering of a decision?

Does the Sixth Amendment right to counsel include a right to represent oneself in a state criminal proceeding as a presumptively innocent U.S. citizen who is incarcerated pretrial and to have reasonable access to due process services such as caselaw printouts, a caselaw search technology, books containing relevant criminal, evidence, procedural statutes, and jury instructions; access to witnesses, and video viewing technology?

Questions Presented

Does an innocent citizen representing themselves against criminal allegations, also known as pro se, and incarcerated prior to trial have a right to receive by mail orders from a state appellate court as part of due process?

Does an innocent U.S. citizen representing themselves against criminal allegations, also known as pro se, and incarcerated prior to trial have a right to be released from custody in order to access reasonable due process services, such as a law library, in order to prepare a defense if reasonable due process services are not provided at the detention facility?

Does an innocent U.S. citizen representing themselves against criminal allegations, also known as pro se, and incarcerated prior to trial have a right to be transferred to a different venue for detention and the case to be presented in a different county in order to access reasonable due process III.

Questions Presented

services, such as a law library meeting ABA standards for preparing a criminal defense (including caselaw, statutes, jury instructions, evidence code, and a search engine comparable to Findlaw) in order to prepare a defense if reasonable - as defined above as a law library - due process services are not provided at the detention facility & based on the First Amendment right to access the courts and the Sixth Amendment right to represent oneself as extended to the defendant through the Fourteenth Amendment?

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

Supreme Court of the United States,
Lola v. State of Florida, Case No. 21-5085,
cert. denied 2021.

Supreme Court of Florida,
Lola v. Sheriff Rick Ramsay, Etc.,
Case No. SC21-836 (June 2021).

District Court of Appeal of Florida,
Third District, Lola v. Sheriff Rick Ramsay,
Case No. 3D21-0312 (May 2021).

Sixteenth Judicial Circuit of Florida,
Key West, State of Florida v. Lola
Case No. S 2020-CF-633 (2020), 2018-MM-642

RELATED CASES

Supreme Court of Florida,
Lola v. State of Florida, Case No. SC21-700
(May 2021).

Sixteenth Judicial Circuit of Florida
Key West, State of Florida v. Lola
Case No. 2020-cf-633 (2020), 2018-MM-642⁽²⁰⁾
United States District Court for the
Southern District of Florida, Miami,
Case No. 4:18-cv-10218-KMM (2018),
Lola v. Monroe County Sheriff, Sheriff
Rick Ramsay, Aramark, Inc.,
Mayor of Key West Craig Gates, et al.

United States Court of Appeals for
the Eleventh Circuit, Atlanta ^{Lola v. MCSO}
Case No(s) 20-12524, 20-11779-J, and
21-11519-C (Lola v. Sweeney, Anne, et al.)

Supreme Court of the United States,
Lola v. Miami Herald, Sheriff Rick Ramsay,
Monroe County (FL) Board of Commissioners,
Key West Police Department, et al.,
Case No. 20-7999 cert. denied.

Related Cases

United States Court of Appeals for
the Eleventh Circuit, Atlanta

Lola v. Miami Herald, Sheriff

Rick Ramsay, Monroe County (FL)

Board of Commissioners, Key West

Police Department, et al.;

Case No. 20-14268

United States District Court for
the Southern District of Florida Miami,

Lola v. Miami Herald, Sheriff Rick

Ramsay, Monroe County (FL) Board of

Commissioners, Key West Police Department,

et al.; Case No. 4:20-cv-10091-JLK.

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE.....	4
REASONS FOR GRANTING THE WRIT	11
CONCLUSION.....	22

INDEX TO APPENDICES

APPENDIX A	Order - Supreme Court of Florida;
APPENDIX B	Order - District Court of Appeal (FL) ;
APPENDIX C	Docket - Third District, Appeal (FL) ;
APPENDIX D	Notice of Appeal - Supreme Court (FL);
APPENDIX E	Motion for Reconsideration 3D DCA ;
APPENDIX F	Order - Response date, 3D DCA ;
APPENDIX G	Order - 2nd Response, 3D DCA x.

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

<u>Bell v. Wolfish</u> , U.S. circa 1980's	App. E.4
<u>Kingsley v. Hendrickson</u> , U.S. (2015)	App. E.4
<u>Matera v. Buchanan</u> , 18 So.2d 142 (1966)	15, E.3
<u>Full Citation</u>	
<u>Bell v. Wolfish</u> , 441 U.S. 520 (1979)	
<u>Kingsley v. Hendrickson</u> , 135 S.Ct. 2466 (2015)	

STATUTES AND RULES

Florida Statute Annotated § 843.15.1b	App. E.3
Prison Litigation Reform Act	
28 U.S.C. § 1915 (e)(2)(B)(i)	9

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 unknown, no internet access; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the Florida District (3rd) Appeal court appears at Appendix B to the petition and is

- ☐ reported at _____; 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 June 3, 2021.
A copy of that decision appears at Appendix A.

☒ A timely petition for rehearing was thereafter denied on the following date: June 3, 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

The First, Fourth, Fifth, Sixth, Eighth, Thirteenth, and Fourteenth Amendments and the constitutional right to Writ of Habeas Corpus are at issue.

The Petitioner has a First Amendment right to access the courts. Petitioner has a Fourth Amendment protection as provided in Kingsley v. Hendrickson (2015) U.S. that distinguishes a pretrial detainee's treatment from that of a convicted inmate that is covered under the Eighth Amendment. Petitioner has a due process rights at issue pursuant to the Fifth and Sixth Amendments that are not being respected by the Florida judiciary. Petitioner has rights pursuant to the Eighth and Thirteenth Amendments that have been transgressed. Petitioner was transferred to a sensory deprivation torture cell to dissuade him from filing legal complaints in violation of the Eighth Amendment and Fourth Amendment standards in Kingsley v. Hendrickson and Bell v. Wolfish, U.S.

Constitutional And Statutory Provisions

Petitioner was forced into slavery for Aramark Corporation and compelled to work in the kitchen or else face punishment in the form of a Disciplinary Report and transfer to a Dorm Alpha sensory deprivation torture cell.

All the foregoing constitutional violations are existing in this case in contravention to the Fourteenth Amendment that extends the U.S. constitutional protections to individual citizens.

Petitioner was forced to labor 6 days a week for 10-12 hours per day with the intention of preventing him from preparing a defense to the criminal case against him in violation of the Thirteenth, Fifth, Sixth, Fourth, and Eighth Amendments.

STATEMENT OF THE CASE

This case arises from the dismissal of a writ of Habeas Corpus prematurely. The Writ of Habeas Corpus was filed after access to due process legal resources at the Monroe County Detention Center ("MCDC") were discontinued. In other words, the law library at the MCDC was closed. Petitioner is an innocent U.S. citizen ordered to be held in the MCDC prior to trial who is representing himself with regard to felony criminal allegations that carry the potential for life in prison. The criminal allegations are specious and lack foundation.

The Third District Court of Appeal For Florida in Miami ("Third DCA") dismissed the writ of Habeas Corpus without giving it consideration. The Third DCA provided an order giving times for response by the Respondent, Sheriff Rick Ramsay and Petitioner. The Third DCA allowed the Respondent to file a response but did not allow the Petitioner to file a reply. The order of the Third DCA

Statement of the Case

expressly stated the Petitioner was permitted to file a reply, (Appendix G), "Further, a reply may be filed five (5) days thereafter." (Id.).

Petitioner was materially prejudiced by the Respondent's service of an incomplete response; meaning it was missing pages and documents in the Appendix not otherwise available to Petitioner. Petitioner was further materially prejudiced by the Third DCA's failure to mail a copy of the court's order "disposing" of the case. Petitioner objected to both of the foregoing and requested a full copy of the response and of the concomitant order in an objection to the response immediately filed and served after receipt of the incomplete response. The request for a copy of the court order dated March 24th, 2021 and a complete copy of the response was repeated in the Motion for Reconsideration (App. F) and the

Statement of the Case

Notice of Appeal to the Florida Supreme Court. (App. D).

The Florida Supreme Court in response dispatched a form dismissal letter claiming lack of jurisdiction dated June 3, 2021. (App. A). To date, Petitioner has been unable to obtain a copy of the order from the Third DCA "disposing" of the case and renews his request here.

The Law Library

The law library that provided the most paltry and rudimentary material did at least have very limited access to westlaw, including to a newly added feature for U.S. Supreme Court briefs as of July 2020. Petitioner did not have access to Corpus Juris Secundum or the like, just westlaw. Petitioner was preparing a Writ of Certiorari for a civil rights action against Respondent for slavery (Thirteenth Amendment violations) from a decision by Judge Michael Moore in the U.S. District Court for the Southern District of Florida

Statement of the Case

(Miami) (Case No. 4:18-cv-10218-KMM)

based on an interlocutory issue when quite strategically, the law library was closed in September of 2020 (and remains so to this day) by High ~~Command~~ Commander of the MCDC Major Age without explanation. Petitioner is informed and believes the closure was carried out to frustrate Petitioner's ability to effectively access this tribunal. It incidentally, the law library closure also impacted Petitioner's ability to prepare a defense to felony allegations. Petitioner also had pending a defamation action against the Respondent at the time of the library closure.

To clarify, at the time of the law library closure, Petitioner had two active felony cases to defend, two active misdemeanor cases to defend, and two active civil rights actions against Sheriff Rick Ramsay.

The closure has directly and negatively impacted all of those cases.

Statement of the Case

The Writ of Certiorari for the slavery case on an interlocutory issue was abandoned when the court without prior warning or indication sua sponte dismissed the Fourth Amended Complaint after Petitioner asked for money damages and demonstrated an ability to litigate against a perceptibly superior firm, Purdy, Jolly, Guffreda, Barranca and Tisa for the Monroe County Sheriff and Lewis Brisbois LLP for Aramark and its enslaving employees.

Instead, Petitioner then appealed the sua sponte dismissal to the United States Court of Appeals for the Eleventh Circuit.

The Eleventh Circuit now seeks to deny jurisdiction based on pressure from Circuit Judges Jill Pryor and Lagoa pursuant to the Prison Litigation Reform Act and 28 USC § 1915(e)(2)(B)(i) pertaining to frivolity. The PLRA strips the innocent Petitioner of his

Statement of the Case

constitutional rights to access the court based on his illegal incarceration on an unsworn arrest form (supposed to be an affidavit) in violation of the Fourth Amendment. There is a compounding effect of incremental constitutional violations that has led to a soviet-style show trial justice system in the Eleventh Circuit. Unfortunately, Petitioners will be unable to read this actual statute for lack of a law library. (See USCA11 21-11519, Lola v. Officers Anne Sweeney, et al.).

The case is about opposing stat-sponsored slavery - like in China or North Korea, but instead it's here in the United States, in the old south.

REASONS FOR GRANTING THE PETITION

Is it constitutionally permissible for a State, Florida, to operate a judicial system that is a farce and mockery of justice in that it denies innocent-voting U.S. citizens the benefit of their constitutional birthrights under the First, Fourth, Fifth, Sixth, Eighth, Thirteenth, and Fourteenth amendments to the U.S. Constitution. Florida as a signatory to the U.S. Constitution has agreed to extend the protections of the United States Constitution to all U.S. Citizens within its borders.

However, Florida is instead engaged in activities to subvert and overthrow the authority of the U.S. Constitution by routinely and systematically denying U.S. citizens the protections afforded under the U.S. Constitution by and through the despotic actions of its rogue judiciary.

Florida has a systematic procedure of false imprisonment, kidnapping, torture and ransom of American (U.S.) citizens through a Soviet-styled system

Reasons For Granting The Petition
of injustice and show trials.
The Florida State Judiciary's
actions are a clear and present
danger to stability of the
United States of America and
threatens to undermine the
U.S. Constitution in a Silent
coup d'etat to unilaterally
rewrite the protections of the
U.S. Constitution.

Petitioner is an innocent U.S.
Citizen held illegally in detention,
subjected to slavery, torture,
denied access to legal resources,
denied his right to represent
himself against unknown accusers
for over three years without bail,
who is an attorney resolute to
invoke his fundamental rights
of life, liberty and the pursuit
of happiness and constitutional
protections. The state of Florida's
Judiciary has denied Petitioner
his right to access the courts and
seek redress against the government
for its actions.

Reasons For Granting The Petition

Meanwhile the overseeing institutions of Federal government turn a blind eye to the disenfranchisement of millions of Americans by attempting to procedurally bar their claims from review. In essence completely denying Socioeconomically depressed Americans access to the Judicial System out of convenience to the jurists. The average American has lost access to the courts.

In Particular, the Third District Court of Appeal for the State of Florida issued an order providing the Petitioner had until March 15, 2021 to file a written reply to the Respondent's written response to a writ of Habeas Corpus. (Appendix G). Respondent Sheriff Rick Ramsay through his counsel Michelle S. Maxwell, Esq., dilatorily, and subject to objection by Petitioner, filed an incomplete Response on March 23rd, 2021.

Reasons For Granting The Petition

The Florida Third District Court of Appeal Judges Miller, Gordo, and Bokor entered judgment against Petitioner the very next day, March 24th, 2021; (App. C), thereby depriving Petitioner any time to file a reply.

Complicating matters the response served on Petitioner lacked a complete exhibit attachment, especially omitting Appendices 8 and 9. (Appendices E & D); Nor was Petitioner ever provided with a copy of the written order ruling on the Petition for Habeas Corpus. (Compare Appendix C).

On appeal to the Supreme Court of Florida, Petitioner argued the Third DCA violated its own procedures and failed to adequately consider the legal arguments or objections raised by the Petitioner. (See App. D). The Supreme Court of Florida dismissed the appeal based on lack of jurisdiction, claiming the Third DCA did not provide an opinion.

Reasons For Granting The Petition
(App. D). Petitioner was never mailed (the only form of communication available to Petitioner) a copy of the underlying order, allegedly "disposing" of the Writ of Habeas Corpus on March 24th, 2021; therefore, Petitioner cannot know if the Supreme Court of Florida rendered a valid decision or not.

Petitioner was acting Pro Se at the time the Writ of Habeas Corpus was filed.

NO LAW LIBRARY

Ironically, innocent U.S. citizens incarcerated are afforded less legal resources to prepare a defense than convicted prison inmates. This flies in the face of the notion of the presumption of innocence.

In Florida, an accused is presumed innocent until the state, if it can, establish guilt beyond and to the exclusion of every reasonable doubt. (Matera v. Buchanan, 18 So.2d 192 (1966)) - a complete and accurate citation is not available due to a lack of access

Reasons For Granting The Petition
to the internet, Corpus Juris
Secundum, Westlaw, Findlaw,
Lexis Nexis or the like). (See
Appendix E for complete arguments).

Petitioner, despite being incarcerated
with no job is furiously busy with
over a dozen different legal causes
in six different courts at once;
all the while being reduced to
using the modern day equivalent of
sticks and stones in warfare,
pen and paper technology against the
leviathan of AI government tools
and oppression, email, texts, fax,
and harkening back to Alexander
Graham Bell - without even a telephone!
Is this justice? Is this a system
to be proud of?

Petitioner seeks leave to provide
additional briefing at such time
he is afforded access to reasonable
legal research resources and supplies.

Petitioner is informed and believes
that Supreme High Commander Major
Age of the Monroe County Detention
Center ~~is~~ and the Monroe County

Reasons For Granting The Petition

Board of Commissioners is responsible for closure of the law library at the MCDC and institution of the due process right depriving system of no legal resources currently in existence at the MCDC.

The purpose of the writ of Habeas Corpus was to be released to have access to legal resources to prepare a defense to the criminal allegations against the same.

Relief Sought By Petitioner

Inmates are dying left and right in this facility (MCDC) as a proximate result of the draconian treatment and conditions borne from the Florida State Judiciary's and Eleventh Circuit (Atlanta) unconstitutional actions. These are not narrowly tailored policies advancing a compelling state interest. It is despotism with out constitutional or rational foundation other than to glorify the authoritarians

Reasons For Granting The Petition
in control and preserve their hegemony. There has been a long train of abuses and usurpations that demand action. Civilized society's continuity requires the resurrection of each citizen's constitutional birthrights.

There is no substance to the written law in Florida, just a lot of window dressing. Petitioner seeks an order compelling the Supreme Court of Florida to order the Third DCA and Judges Miller, Gordo, and Baker to provide Petitioner with due process, provide Petitioner with a printout of the order dated March 24th, 2021 pertaining to the Writ of Habeas Corpus, Order the Third DCA to set aside the order dated March 24th, 2021, compel the Third DCA to order Michelle S Maxwell or Respondent to furnish Petitioner with a complete set of appendix to the response to the Writ of Habeas Corpus. Restore the rule of law and not authoritarianism.

Reasons For Granting The Petition

Petitioner also seeks an order directed to the Florida Supreme Court setting aside the order dated June 3rd, 2021 dismissing the case SC21-836 and staying further action until such time as Petitioner has filed a reply to the response of Respondents, Sheriff Rick Ramsay, with the Third DCA.

Petitioner also seeks an order to the Florida Supreme Court compelling it to order the release of the Petitioner to access reasonable legal resources to prepare a defense pro se, or in the alternative change the venue of the underlying cases to a jurisdiction that can afford reasonable legal resources (as determined by the ABA for a library) to prepare a defense, or in the third alternative compel Sheriff Rick Ramsay and the Monroe County Board of Commissioners to approve adequate funds to install, operate, and staff a legal resource center that includes access to Westlaw, or

Reasons For Granting The Petition
similar search utility), Corpus Juris Secundum, printers, scanners, and access to PACER for court filings and the local, Sixteenth Judicial Circuit Clerk of Court electronic document filing utility (as so many paper filings with the several courts seem to be fortuitously lost as a benefit to the state or government federal).

Petitioner seeks an order compelling the Supreme Court of Florida to order the trial court in the Sixteenth Judicial Circuit (Key West, Monroe County) to quash the warrant for Petitioner's failure to appear in Monroe County Court in November 2020 as the Petitioner was held in the Monroe County Detention Center. The trial court was aware of Petitioner's presence in the Monroe County Detention Center; Therefore the petitioner cannot legally be charged with failing to appear in court.

As such, Petitioner seeks to have his bond reinstated and released on his

Reasons For Granting The Petition

own recognizance with a summons to appear at trial. Deputy Diane Reams served the failure to appear warrant on Petitioner at the MCDC but refused to take Petitioner to court. Petitioner seeks to have this abuse of process removed from his record as it is defamatory and impacts his ability to contract with a bondsman.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Richard J. Lohr

Date: October 27th, 2021