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SUPREME COURT, U.S.

IN THE  
Supreme Court of the United States

LOUIS MATTHEW CLEMENTS,  
*Petitioner(s),*  
v.

STATE OF FLORIDA, FLORIDA ATTORNEY  
GENERAL, AND SECRETARY, DOC,  
*Respondent(s).*

On Petition for a Writ of Certiorari Before  
Judgement to the United States Court of Appeals  
for the Eleventh Circuit

**PETITION FOR A WRIT OF CERTIORARI  
BEFORE JUDGEMENT**

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## **QUESTION PRESENTED**

- 1) How does the State of Florida condone conviction, incarceration, and registration of adults for engaging in *consensual sex with minors* when at the same time it shields certain adults from those same or worse acts under its Child Marriage Laws?**

## **LIST OF PARTIES**

**APPELLEE(S) - "State of Florida"**  
Secretary, Florida Department of Corrections  
Attorney General, Florida Office of the Attorney  
General

## **DEFENDANT(S)**

Secretary, Florida Department of Corrections  
Attorney General, Florida Office of the Attorney  
General

## **LIST OF RELATED CASES TO CONVICTION**

**MIDDLE DISTRICT OF FLORIDA, FORT MYERS**  
**2:17-CV-396-FtM-99CM – THIS CASE**  
**2:16-CV-00776-SPC-CM**  
**2:20-CV-00310- JES-MRM**

**ELEVENTH CIRCUIT COURT OF APPEALS**  
**21-12540-JJ – THIS CASE**  
**21-12782-DD**  
**21-12779-F**

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## **STATUTES AND RULES**

FL.S. § 943.0435

FL.S. § 775.21

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IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI BEFORE  
JUDGEMENT

Petitioner respectfully prays that a writ of certiorari before judgement issue to review the controversy below.

**JURISDICTION**

Petitioner, *pro se*, and untrained at law, was coerced into a plea deal by the State of Florida on 6/4/2008. (See Case# 07-CF-017171 FL 20<sup>th</sup> Judicial Cir. City of Fort Myers, Lee County). Petitioner then exhausted his state remedies before filing the underlying Habeas Petition in the District Court in which he was denied change of venue and appointment of counsel from a judge who he had a conflict of interest from other cases. Petitioner endured much Judicial Misconduct in the District Court leading to that original judge being removed upon Petitioner's complaints and replaced finally on 6/15/2020. The District Court then dismissed Petitioners' Writ of Habeas Corpus based on lack of jurisdiction on 7/26/2021. Petitioner filed his notice of appeal 7/28/2021. Petitioners' motions to reconsider were both denied by the district court on 7/30/2021 and 8/18/2021 respectively. Petitioner filed his initial brief in the 11<sup>th</sup> Circuit on 9/7/2021. Appellee filed its answer brief on

10/20/2021 in which it said that Petitioner waived the arguments contained in his motions to reconsider because he did not mention those documents by name in his notice of appeal. Petitioner filed his reply brief on 11/2/2021, citing that he did not intentionally abandon any argument. Petitioner filed an amended notice of appeal in the district court on 1/26/2022 in an effort to include the missing docket entries. The 11<sup>th</sup> Cir. denied that effort on 2/10/2022 by partially dismissing the appeal as to the missing docket entries.

Rather oddly, the Eleventh Circuit then *sua sponte* and upon its own order, elected to appoint Petitioner an Attorney on 2/15/2022, which is analogous to taking someone to the doctor after subjecting them to a firing squad. This odd timing triggered Petitioners ongoing mistrust in the lower courts and his asking for review from this Court, the only one left he can trust. Petitioner has yet to hear from any so called "appointed attorney" and no NOA has been filed by said attorney. To wit, in the interest of timeliness, while Petitioners' appeal remains pending in the Eleventh Circuit, he respectfully asks this Court to review this Petition which contains new legal arguments not contained in his Habeas petition but are "of such imperative public importance".

To wit, this petition is filed under Supreme Court Rule 10(c) and/or 11, and the Court's jurisdiction is invoked under 28 U.S.C. §§ 1254(1) and 2101(e).

#### **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

**Fourth Amendment, US Constitution**

Fifth Amendment, US Constitution  
Eighth Amendment, US Constitution  
Fourteenth Amendment, US Constitution  
Article III, Sec. 2., US Constitution  
SORNA

**ADVISORY STATEMENT TO THE COURT**

Please be advised that the following statements are of an extremely controversial, stigmatized, private and protected nature. Petitioner originally motioned this Court to proceed anonymously. On 2/28/2022, Petitioner was told by the Clerk of This Court via letter, "the Rules of this Court make no provision for the filing of motions to appear anonymously".

For obvious reasons, if the Court is so disposed to entertain such a motion, Petitioner would still be inclined to proceed as such.

**FACTS NECESSARY TO UNDERSTAND  
CERT. PETITION**

The record of Petitioners underlying State Conviction alleges the following facts. In 2007, when Petitioner was 36, he was home from NYC, where he was trying to make it as an actor. During those summers he frequently played tennis, a lifetime hobby and sometimes job.

At the public tennis courts there were several regulars Petitioner had played with since a teen. Amongst them was a relatively new minor female,

younger than 16 but older than 12, who had begun playing more doubles with Petitioner as partner and sometime adversary. Chemistry existed. A friendship began. The minor began asking Petitioner for rides home. After some time, she began asking him to meet her to talk, mainly past midnight at her home after she had snuck out. Frequently her mother was not home because of work and being a NYC night-owl and open-hearted actor, Petitioner thought nothing of it and suspected nothing but friendship from the minor.

Nevertheless, the minor initiated a 9-month romance. Petitioner dragged out his summer stay to 5 months. During that time the minor would also get permission from her mother to get off school and be driven by Petitioner to tour the Florida Tennis Academies that the minor was thinking about attending. It was all roses. But as we know, Petitioner traditionally only came home for the summer's months. He still had an apartment and acting career to maintain in NYC. Petitioner did his best to balance the issue but trips back and forth to NYC were necessary. The minor female grew increasingly jealous and intolerant of these trips. It was during the 3<sup>rd</sup> and final trip to NYC that the minor accused Petitioner of having a "wife or girlfriend" in NYC and gave him an ultimatum that he either return home "immediately" or face the consequences. These consequences were that she would tell the police on Petitioner about their

romantic relationship. When Petitioner could not oblige the “immediate” return due to the aforementioned responsibilities, the minor followed through on her threat. She told her mother who then told police. Petitioner was arrested upon his eventual return. On June 4, 2008, he was coerced into a plea deal of 5 years Sex Offender Probation and life-time registration.

## **INTRODUCTION**

Article III, sec. 2. establishes “in all cases in which a state shall be party, the Supreme Court shall have original jurisdiction”.

Equal Protection refers to the idea that a governmental body may not deny people equal protection of its governing laws. The governing body state must treat an individual in the same manner as others in similar conditions and circumstances.

The Fifth Amendment's Due Process Clause requires the United States government to practice equal protection. The Fourteenth Amendment's Equal Protection Clause requires states to practice equal protection. Equal protection forces a state to govern impartially—not draw distinctions between individuals solely on differences that are irrelevant to a legitimate governmental objective. Thus, the equal protection clause is crucial to the protection of civil rights.

The Fifth Amendment and Fourteenth Amendment to the United States Constitution

declare that governments cannot deprive any person of "life, liberty, or property" without due process of law. The Eighth Amendment (Amendment VIII) of the United States Constitution prohibits the federal government from imposing excessive bail, excessive fines, or cruel and unusual punishment. The U.S. Supreme Court has ruled that this amendment's Cruel and Unusual Punishment Clause also applies to the states.

The Fourth Amendment to the United States Constitution protects "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized".

### **STATEMENT OF THE CASE**

Sex offenders are the new monsters in the world. They are citizens yet disenfranchised. The stigmatism of such a label can and has been compared to those practices of purposeful shame and ridicule from the dark ages of Europe. This Court has upheld the Sex Offender Statutes under weight of the majority and populist rule. The State of Florida has some of the most rigid laws regarding sex offenses. It even disenfranchises its citizens in another way, refusing to return them to legal voters. Florida also adheres to (even going above and

beyond) SORNA. All while harboring its own deep dark secret.

**Child Marriage (and therefore child sex) is  
LEGAL in Florida.**

Child Marriage has been legal in Florida since it was admitted to the union March 3, 1845, now 177 years. According to the advocacy group *Unchained at Last*, more than 16,000 children were married in Florida between 2001 and 2014 alone. We can therefore surmise from information, that the State of Florida has "traditional values". In other words, sex in marriage, or "for love" is okay with a minor of any age. Here is the story of a 9-year-old, forced to marry a 20-year-old at age 11 after being raped for 2 years by him. (See

[https://en.wikipedia.org/wiki/Sherry\\_Johnson](https://en.wikipedia.org/wiki/Sherry_Johnson)).

In 2018, Florida addressed Child Marriage and made sweeping law changes but did not ban it outright. (See <https://www.reuters.com/article/us-usa-childmarriage-florida/florida-approves-limit-but-not-ban-on-child-marriage-idUSKCN1GM0ET>).

To wit, there are countless numbers of adults convicted and serving lengthy prison sentences in Florida as well as being on lifetime sex offender registries for having consensual, "for love" relationships with minors. If we follow Florida's rationale, they (and Petitioner) are guilty of nothing more than simply not seeking marriage. This makes arresting, incarcerating, and registering Petitioner and those similarly situated, **unconstitutional**.

Petitioner is in no way condoning sexual violence in any situation or age (even though Florida apparently does). Petitioner is simply stating that, “what’s good for the goose is good for the gander”. Additionally, a “for love” consensual relationship would not have a high bar to establish. The simple exchange of “I love you” – “I love you, too”, or otherwise “loving” or “romantic” text messages are solid proof. Or especially, outright admission of a consensual sexual relationship. Take the recent case of 41-year-old Lauren Debenedetta, a North Port, Florida, NYC trained dance teacher. In 2019 she was sentenced to 26 years in prison after being found guilty on four counts of lewd and lascivious battery on a 15-year-old female student. The teacher and student were engaged in a lengthy consensual relationship and text messages show the two exchanged messages saying, “I love you”. (See <https://au.news.yahoo.com/dance-teacher-jailed-after-stepdad-found-her-naked-in-teens-bed-081837835.html>).

In the traditional sense, we all know that Petitioner’s case and the above example is not sexual battery in any way shape or form. No matter how many times anyone says it. But Florida *can* say it is. So now the State of Florida can pin the most heinous judgment on Petitioner and this woman where it has not done so in much worse circumstances, including the above cited rape of a 9-year-old who they allowed

to marry her 20-year-old rapist when she was 11 with only permission from her mother.

Because the State of Florida seemingly condones sex, and even rape of minors under certain circumstances, the following defenses cannot be used in the case of *consensual sex with minors*:

- Florida Courts cannot condone the use of their courts for vendettas from parents or the victim. In fact, the word "victim" is not and never has been an appropriate term to describe someone in a consensual sexual relationship.
- If Marriage is the "get out of jail free pass" to have sex with a minor in Florida, all the accused should be offered that option before conviction, incarceration, or registration.
- Florida cannot use the "coercion" or "grooming" defense because they ignored those defenses in the case of Child Marriages.
- Florida cannot use the "lack of knowledge of age" or "emotional-age" defense for several reasons:
  - o They do not cite "lack of knowledge of age" or "emotional-age" in the cases of Child Marriage.
  - o Should the minor cite "mistaken love". Regretful romantic choices are not age specific. E.g., how many adults also say, "I thought I was in love at the time".
  - o chronological age or emotional age of the minors do not impede them from initiating sex with an adult in some cases.

- o chronological age or emotional age of the minors do not impede them from continuing lengthy relationships.

- o chronological age or emotional age of the minors do not impede them from blackmail of the adult in some cases.

- o chronological age or emotional age of the minors do not impede them from plotting and implementing complex vendettas against the adult in some cases.

- IF the alleged sexual relationship was consensual (and lengthy), we can assume that the minor does NOT consider the accused to be sexually deviant, abusive, or in need of Cognitive Sex Offender Therapy to rewire their brain. Sex Offender Therapy can be compared to other “abuse therapies”, basically standing up and saying, “my name is \_\_\_\_\_, and I am a pedophile”. Except you are under the constant stress of fully admitting wrongdoing or facing VOP arrest, incarceration, or civil commitment. Or otherwise, cruel, and unusual punishment.

- Florida cannot condone labeling the accused “violent felony offenders of special concern”.

- Florida cannot condone the use of the terms “sexual violence” or “sexual abuse” in these cases, or coercion, grooming, etc.

- Florida’s Sex Offender Statutes do not square with the “traditional” use of the “victim” moniker in these cases.

- Florida's Sex Offender Statutes do not square with the "traditional" concept of consent in these cases.
- Since the State of Florida condones marriage to minors as young as 11 to adults in the case of pregnancy and with permission from the Courts and parents, this does not square with the Sex Offender Statutes.
- Since Florida condones marriage and sex with minors as young as 11 with adults "for love", they cannot condone conviction and incarceration for those who have had the same "for love" consensual relationship but have just not sought marriage.

#### **REASONS FOR GRANTING THE PETITION**

The court should grant this petition for the following reasons:

A controversy exists on whether FL.S. § 943.0435 and FL.S. § 775.21 are constitutional regarding the issues above. A declaration from this Court would settle this issue. A declaration from this Court would also serve a useful purpose in clarifying the legal issues in dispute throughout the State of Florida regarding these statutes. This Court could order Governor Ron DeSantis to use his executive power to declare FL.S. § 943.0435 and FL.S. § 775.21 unenforceable in Petitioner's case as well as those similarly situated and add the proper amendments, so they are Constitutional and allows for Florida Citizens to have equal protection from Florida

Governmental Entities. In the absence of a declaration, FLS. § 943.0435 and FLS. § 775.21 would continue to be enforced and would prevent Petitioner's conviction from being overturned. A declaration by this Court enjoining the State Courts from enforcing these statutes against certain citizens would allow him and other Florida Citizens to enjoy equal treatment by State Governmental Entities. The Petitioner and Florida Citizens would continue to suffer irreparable harm if this Court does not issue a declaration. There is no remedy at law because only a declaration by this Court would allow Petitioner's State Conviction to be overturned and SORNA to be unenforceable in relation to him and others similarly situated.

## CONCLUSION

For the foregoing reasons, this Court should grant the Petition for Writ of Certiorari.

Respectfully submitted,



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