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No. _____

PROVIDED TO TOMOKA
CORRECTIONAL INSTITUTION
ON 5/1/22
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**IN THE
UNITED STATES SUPREME
COURT**

ORIGINAL

LARRY PRIDE — PETITIONER,

FILED
MAY 04 2022
OFFICE OF THE CLERK
SUPREME COURT, U.S.

vs.

THE STATE OF FLORIDA — RESPONDENT(S)

**ON PETITION FOR WRIT OF CERTIORARI TO
THE FLORIDA SUPREME COURT, FLORIDA**

PETITION FOR WRIT OF CERTIORARI

**LARRY PRIDE
Tomoka Correctional Institution
3950 Tiger Bay Rd.
Daytona Beach, FL 32124**

QUESTION PRESENTED

Here the Petitioner submits a question as to whether a conflict in the decision at Amended Appendix, Ex (B) attached exists, whereas other similar Florida Case Law precedential decisions denied mandamus relief to be "without prejudice," see *Vanhorn*, *ante*, also see *Cortes*, *ante*, also see *Nairn*, *ante*.

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

RELATED CASES

1. The First District Court of Appeal, State of Florida, Case No.: 1D20-3048
2. Supreme court of Florida, Case No.: SC21-1641

**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

The opinion of the Supreme Court of Florida appears at Appendix B to the petition.

JURISDICTION

The date of which the highest state court decided Petitioner's case was on March 23, 2022. A copy of that decision appears at Appendix .

This Court has jurisdiction pursuant to 28 U.S.C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Constitutional Provisions involved are the Defendants 5th and 14th Amendment rights to due process.

STATEMENT OF THE CASE

1. On November 24, 2021, the Petitioner filed a Petition for Habeas Corpus Belated Appeal with the Florida Supreme Court under Case No: SC21-1641 resulting from Florida's First District Court of Appeal decision in Case No.: 1D20-3048, see Amended Appendix, Ex (A) attached hereto.
2. On December 1, 2021, the Florida Supreme Court issued an Order of Acknowledgment of New Case No.: SC21-1641 and treated the Petition for Habeas Corpus Belated Appeal as a Petition for Writ of Mandamus.
3. On March 23, 2022, the Florida Supreme Court Issued its decision denying the Petitioner's Petition for Writ of Mandamus because the Petitioner has failed to show a clear legal right to mandamus relief, pursuant to *Huffman v. State*, 813 So.2d 10, 11 (Fla. 2000), see Amended Appendix, Ex (B) attached without allowing the Petitioner to be "without Prejudice."
4. This United States Supreme Court has jurisdiction to review this cause from the decision of the Florida Supreme Court date rendered on March 23, 2022 at Amended Appendix, Ex (B) attached, where a clear conflict exists.

REASONS FOR GRANTING THE PETITION

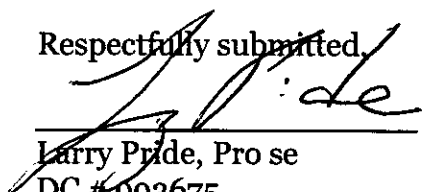
The Florida Supreme Court's decision at Amended Appendix, Ex (B) attached conflicts with other similar Florida case laws precedents decision, where these case laws precedential decisions were denied "without prejudice," because these petitioners failed to show a clear legal right to mandamus relief, pursuant to *Huffman v. State*, 813 so.2d 10,11 (Fla. 2000), see similar Florida case laws precedential decisions: *Vanhorn v. State*, 32 So.3d 622 (Fla. 2010); *Cortes v. State*, 37 So.3d 846 (Fla. 2010); and *Nairn v. State*, 29 So.3d 1118 (Fla. 2010). Thus the Petitioner should have been allowed to have his decision at Amended Appendix, Ex (B) attached to be "without Prejudice" as in similar Florida case law precedential decisions on this subject.

CONCLUSION

Wherefore, the Petitioner respectfully asks this Honorable Supreme Court to grant him certiorari relief and thereby transfer the case back to the Florida Supreme Court with instructions to allow his decision under Case No.: Sc21-1641 to be rendered "without Prejudice" resolving the conflict.

The petition for a writ of certiorari should be granted.

Respectfully submitted,


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Date: May 3, 2022