

NO.

IN THE  
SUPREME COURT OF THE UNITED STATES

Terry Lee Freeze,

Petitioner(s)

v.

State of Florida,

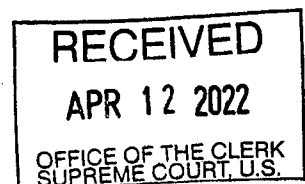
Respondent(s)

**APPLICATION FOR EXTENSION OF TIME**

COMES NOW, The Petitioner, Terry Lee Freeze, in pro se, and moves this Honorable Court pursuant to Rule 13, Rule 21, Rule 22, Rule 30, Rule 33.1 (h), and 33.2 seeking an Extension of Time not to exceed 60 days in which to File his Petition For Writ of Certiorari.

**BASIS FOR JURISDICTION**

The Petitioner asserts that this Court has Jurisdiction based on Article III, Section 2, Clause 1 - **Subjects of Jurisdiction**, which states in pertinent part: The judicial power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority.



The Petitioner asserts that this Court has Jurisdiction based on Article III, Section 2, Clause 2 - **Jurisdiction of Supreme Court**, which states in pertinent part: In all the other Cases before mentioned, the Supreme Court shall have appellate Jurisdiction, both as to Law and Fact.

The Petitioner asserts that this Court has Jurisdiction based on 28 U.S.C. 1257 (a), which clearly States:

(a) Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

The Petitioner asserts that this Court has Jurisdiction based on the fact that exceptional circumstances warrant the exercise of this Court's discretionary powers, and that adequate relief cannot be obtained in any other form or from any other court.

The Petitioner asserts that the Trial Court located in Tampa, Florida has clearly departed from the essential requirements of law by filing an Order Dismissing Proceeding's. Order Dismissing Petition For Immediate Release and/or Discharge. (Copy attached); and an Order Dismissing Motion For Insolvency For Appellate Procedure and Motion to Prepare Records on Appeal. (copy attached)

The Petitioner asserts that the Second District Court of Appeal located in Lakeland, Florida has clearly departed from the essential requirements of law when they per curium affirmed the trial court's actions.

The petitioner asserts that the Supreme Court of Florida has declined review of this case when they decided their Case in Grate v. State, 750 So.2d 625, at 626 (Fla. 1999), to wit: In Jenkins v. State, 385 So.2d 1356,1359 (Fla. 1980), this Court held that it does not have jurisdiction to review a per curium affirmed decision without a written opinion where the basis for review is an alleged conflict between that decision and an opinion by either this Court or another district court of appeal.

The Petitioner asserts that the United States District Court in the Northern Division, Middle Division; Southern Division and the 11th Circuit Court of Appeal has denied every Writ he ever filed and dismissed every lawsuit he ever filed under unethical practices, and contends that these courts have never afforded him adequate relief in any form.

### **JUDGMENT SOUGHT TO BE REVIEWED**

The Petitioner seeks to review the Judgment of the Trial Court; where Circuit Judge, Kimberly Kay Fernandez (Fla. Jud. # 8484999) unethically filed the Order Dismissing his Petition for Immediate Release and/or Discharge on September 29, 2020. Moreover, she unethically filed the Order Dismissing his

Motion For Insolvency For Appellate Procedure and Motion to Prepare Records on Appeal on November 18, 2020.

The Petitioner seeks to review the Judgment of the Second District Court of Appeal rendered on January 19, 2022, the 2<sup>nd</sup> DCA Per Curium Affirmed Judge Kimberly Kay Fernandez's actions. (copy attached) He further seeks to review the judgment rendered on March 07, 2022, the 2<sup>nd</sup> DCA filed an order striking the Motion For Rehearing En Banc; Denying the Motion For Rehearing and striking the Petition For Writ of Certiorari as unauthorized. (copy attached) On February 02, 2022, he filed a Motion For Rehearing; Motion For Rehearing En Banc; Petition For Writ of Certiorari (copy attached)

### **REASONS WHY EXTENSION IS JUSTIFIED**

1. The Petitioner asserts that his main objective is to fully comply with every Court Rule that regards his Petition For Writ of Certiorari before he jeopardizes the very importance of the Fundamental Miscarriage of Justice that been going on for more than 30 years in the State of Florida.
2. The Petitioner asserts that under the current form of incarceration he will not be able to reproduce any of the documents that he intends to attach to the Appendix of his Petition For Writ of Certiorari.
3. The Petitioner asserts that without an extension not to exceed 60 days he will not be able to timely file his Petition For Writ of Certiorari and this

includes showing that adequate relief cannot be obtained in any form or from any other court.

4. The Petitioner asserts that the State of Florida has failed to comprehend the basic principle: By protecting even those convicted of heinous crimes, the Eighth Amendment reaffirms the duty of the government to respect the dignity of all persons. (See *Roper v. Simmons*, 543 U.S. 551, at 560 (U.S. Mo. 2005))
5. The Petitioner asserts that the State of Florida has clearly denied him any chance to later demonstrate that he is fit to rejoin society based solely on a non-homicide crime that he committed while he was a child in the eyes of the law. This the Eighth Amendment does not permit. (See *Graham v. Florida*, 560 U.S. 48, at 79 (U.S. 2010))
6. The Petitioner asserts that the State of Florida has clearly violated his right not to be deprived of liberty based on the fabrication of evidence by a government officer. (See *McDonough v. Smith*, 139 S.Ct. 2149, at 2157 (U.S. 2019))
7. The Petitioner asserts that the State of Florida has contravenes Graham's and Roper's foundational principle: that imposition of a State's most severe penalties on juvenile offenders cannot proceed as though they were not children. ( See *Miller v. Alabama*, 567 U.S. 460, at 462 (U.S. 2012))

8. The Petitioner asserts that the State of Florida has failed to consider: An offender's age is relevant to the Eighth Amendment, and criminal procedure laws that fail to take defendants' youthfulness into account at all would be flawed. (See Graham v. Florida, 560 U.S. 48, at 76 (U.S. 2010))
9. The Petitioner asserts that the State of Florida has failed to acknowledge: Finally, a categorical rule gives all juvenile non-homicide offenders a chance to demonstrate maturity and reform. The juvenile should not be deprived of the opportunity to achieve maturity of judgment and self-recognition of human worth and potential.

WHEREFORE, the Petitioner, Terry Lee Freeze, respectfully prays that this Court enters an Order granting his Motion For Extension of Time due to the extraordinary circumstances presented herein.

#### **CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by U.S. Mail to: The Clerk of Court, Supreme Court of the United States, 1 First Street, N.E., Washington, DC 20543 on this \_\_\_\_ day of Aril, 2022; Office of the Attorney General, Ashley Moody, 400 S. Monroe Street, The Capitol # PL-01. Tallahassee, FL 32399-6536 on this \_\_\_\_ day of April, 2022.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 5, 2022.

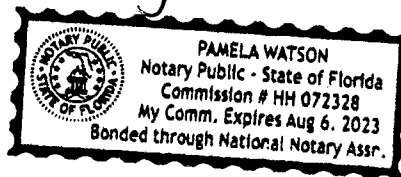
/s/ Terry Lee Freeze

### NOTARIZED STATEMENT

I Terry Lee Freeze , hereby declare and affirm that I placed the Application For Extension of Time in the Institutional mail system on 4-5-22, and that first-class postage has been prepaid.

Notary Public

/s/ Pamela Watson  
4th Day of April



IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
IN AND FOR HILLSBOROUGH COUNTY, STATE OF FLORIDA  
CIVIL DIVISION

IN RE THE COMMITMENT OF:

CASE NO.: 01-CA-002253

TERRY FREEZE,  
Respondent.

DIVISION: T (Jimmy Ryce Division)

\_\_\_\_\_/

**ORDER DISMISSING PETITION FOR IMMEDIATE RELEASE AND/OR  
DISCHARGE**

THIS MATTER is before the Court upon Respondent's Petition for Immediate Release and/or Discharge filed on September 24, 2020. After reviewing Defendant's motion, the court file, and the record, the Court finds as follows:

In his petition, Defendant alleges that the "Florida Civil Commitment Center has been submitting unlawful Treatment Progress Reports due to the intentional and malicious punitive conditions of confinement." (See Petition for Immediate Release and/or Discharge, attached). Defendant asserts that there "has been a conspiracy against in direction violation of 18 U.S.C. § 241 and a Deprivation of Rights under the color of law under 18 U.S.C. § 242. *Id.* Defendant claims that as a result of the "fabricated evidence" submitted by the medical professionals at Florida Civil Commitment Center, the Court should dismiss the Petition for Civil Commitment filed in the instant case. *Id.*

The Court finds Defendant has failed to set forth a legal basis for the requested relief and is not entitled to a dismissal. Moreover, the Court finds that the annual evaluations submitted in the instant case were prepared in accordance with sections 394.918(1) and 394.917, Florida Statutes and thus did not violate Defendant's State or Federal Due Process Rights. See §§ 394.918(1) and 394.917, Fla. Stat. (2019).



It is therefore **ORDERED AND ADJUDGED** that Respondent's Petition for Immediate Release and/or Discharge is hereby **DISMISSED**.

**Defendant has thirty (30) days within which to appeal.**

**DONE AND ORDERED** in Chambers in Hillsborough County, Florida this \_\_\_\_ day of September, 2020.

ORIGINAL SIGNED  
CONFORMED COPY

SEP 29 2020

KIMBERLY FERNANDEZ  
CIRCUIT JUDGE

**KIMBERLY K. FERNANDEZ**, Circuit Judge

Attachments:

Petition for Immediate Release and/or Discharge

Send Copies to:

Terry L. Freeze, Patient # 990416  
Florida Civil Commitment Center  
13619 S.E. Hwy 70  
Acadia, Florida 34266-7861

Assistant State Attorney, Division T

IN THE THIRTEENTH JUDICIAL CIRCUIT COURT FOR  
HILLSBOROUGH COUNTY, FLORIDA  
CIVIL DIVISION

IN RE THE COMMITMENT OF:

CASE NO.: 01-CA-002253

TERRY LEE FREEZE,  
Respondent.

DIVISION: T (Jimmy Ryce Division)

**ORDER DISMISSING MOTION FOR INSOLVENCY FOR APPELLATE PURPOSES  
AND MOTION TO PREPARE RECORDS ON APPEAL**

This matter is before the Court on Respondent's *pro se* Motion for Insolvency for Appellate Purposes and Motion to Prepare Records on Appeal filed on October 21, 2020. After reviewing Respondent's motion, the court file, and the record, the Court finds as follows:

In the instant motion, Respondent requests that he be declared indigent for the purposes of appealing the dismissal of his "Petition for Immediate Release and/or Discharge." (*See* Motion for Insolvency for Appellate Purposes and Motion to Prepare Records on Appeal, attached). Respondent also requests that he be permitted to "prepare his own Record on Appeal without the Clerk of the Court or the Court Reporter." *Id.*

To the extent Respondent is requesting to be declared indigent for the purposes of appeal, the Court finds Respondent is not entitled to relief. Specifically, the Court finds that Clerk of Court determined Respondent to be indigent on October 30, 2020. (*See* October 30, 2020, letter, attached). Similarly, to the extent Respondent is requesting that the Court permit him to prepare his own appellate record, the Court finds Defendant is not entitled to relief. Specifically, the Court finds that the appellate record for the instant case was prepared and transmitted to the Second District Court of Appeal on November 16, 2020. **As such, the Court finds that the instant motion must be dismissed.**

It is therefore **ORDERED AND ADJUDGED** that Respondent's Motion for Insolvency for Appellate Purposes and Motion to Prepare Records on Appeal is hereby **DISMISSED**.

Respondent has thirty days from the date of rendition to appeal this order.

**DONE AND ORDERED**, in Chambers, Hillsborough County, Florida, this \_\_\_\_ day of November, 2020.

ORIGINAL SIGNED  
CONFORMED COPY

NOV 18 2020

KIMBERLY FERNANDEZ

CIRCUIT JUDGE

**KIMBERLY K. FERNANDEZ**, Circuit Judge

Attachments:

Motion for Insolvency for Appellate Purposes and Motion to Prepare Records on Appeal  
October 30, 2020, letter

Copies to:

Terry L. Freeze, Patient # 990416  
Florida Civil Commitment Center  
13619 S.E. Hwy 70  
Acadia, FL 34266-7861

Assistant State Attorney, Division T

DISTRICT COURT OF APPEAL OF FLORIDA  
SECOND DISTRICT

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TERRY LEE FREEZE,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

No. 2D20-3032

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January 19, 2022

Appeal from the Circuit Court for Hillsborough County; Kimberly K. Fernandez, Judge.

Terry Lee Freeze, pro se.

Ashley Moody, Attorney General, Tallahassee, and Cerese Crawford Taylor, Assistant Attorney General, Tampa, for Appellee.

PER CURIAM.

Affirmed.

*Invalid due to prejudice*

SILBERMAN, ROTHSTEIN-YOUAKIM, and SMITH, JJ., Concur.

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Opinion subject to revision prior to official publication.

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
SECOND DISTRICT, POST OFFICE BOX 327, LAKELAND, FL 33802-0327

March 07, 2022

CASE NO.: 2D20-3032

L.T. No.: 01-CA-2253

TERRY LEE FREEZE

v.

STATE OF FLORIDA

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Appellant / Petitioner(s),

Appellee / Respondent(s).

**BY ORDER OF THE COURT:**

Petitioner's motion for rehearing en banc is facially insufficient and stricken.

Petitioner's motion for rehearing is denied.

Petitioner's petition for writ of certiorari is stricken as unauthorized.

I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

Served:

ATTORNEY GENERAL, TAMPA  
TERRY LEE FREEZE

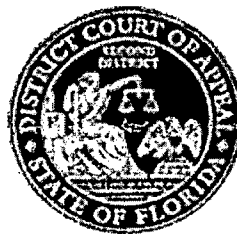
CERESE CRAWFORD TAYLOR, A.A.G.  
CINDY STUART, CLERK

mep

*Mary Elizabeth Kuenzel*

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Mary Elizabeth Kuenzel  
Clerk



IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
SECOND DISTRICT

TERRY LEE FREEZE,  
  
APPELLANT,

V.

CASE NO.: 2D20-3032  
L.T. NO.: 01-CA-002253

STATE OF FLORIDA,  
  
APPELLEE.

APPELLANT'S MOTION FOR REHEARING; MOTION FOR REHEARING  
EN BANC; PETITION FOR WRIT OF CERTIORARI

COMES NOW, the Appellant, Terry Lee Freeze, pro se, and hereby moves this Honorable Court to entertain this Motion For Rehearing; Motion For Rehearing En Banc, and enter an Order granting said Rehearing and Rehearing En Banc. In the Alternative, issue an Order to Show Cause why the Petition For Writ of Certiorari should not be granted, and in support thereof states as follows:

**JURISDICTION**

The Appellant invokes the Court's Jurisdiction pursuant to Rule 9.330 of the Florida Rules of Appellate Procedure (a) (1) - A motion for rehearing ... may be filed within 15 days of an order or decision of the Court or within such other time set by the court. The Appellant further invokes the Court's Jurisdiction pursuant to Rule 9.331 of the Florida Rules of Appellate Procedure (a) - En banc hearings and rehearing shall not be ordered unless the case or issue is of exceptional importance

or unless necessary to maintain uniformity in the court's decisions. In the Alternative, the Appellant invokes the Court's jurisdiction pursuant to Rule 9.030 of the Florida Rules of Appellate Procedure (b) (3) – District courts of appeal may issue writs of ... common law certiorari, and all writs necessary to the complete exercise of the court's jurisdiction, including the departure from the essential requirements of law.

### **FACTS**

The following particular points of fact or law in his opinion this Court has either deliberately overlooked the merits of issues raised in the Appeal, or has directly undermined the Codes of Judicial Conduct by showing Prejudice and Bias against him in its decision on January 19, 2022 to PCA Judge Kimberly Kay Fernandez's (Fla. Jud. # 848999) Order Dismissing Petition For Immediate Release and/or Discharge on September 29, 2020, as well as her Order Dismissing Motion For Insolvency For Appellate Purposes and Motion to Prepare Records on Appeal on November 18, 2020.

There is a clear legal need to ensure that the State of Florida has not committed a Fundamental Miscarriage of Justice in any action it has taken against him since he was declared a ward of the State on January 23, 1978. A legal challenge is being made with regards to all delinquency actions and convictions of the last 44 years. This includes using a Criminal Conviction to initiate a civil proceeding regarding the possibility of a Mental Illness that may have existed when he committed his offenses from 1982-1988. If there are any judgments that were

rendered without subject matter jurisdiction, then this Court is legally required to correct them and Mandate his Immediate Release.

1. The Appellant asserts that this Court erroneously departed from the essential requirement of law when it failed to follow the Florida Supreme Court's decision in Stanfill v. State, 384 So.2d 141, at 143 (Fla. 1984): Decisions of the district courts of appeal represent the law of Florida unless and until they are overruled by the Supreme Court of Florida.
2. The Appellant asserts that this Court's PCA is invalid due to its direct prejudice and bias, when two of the Judge's Named in his Initial Brief in ISSUE XVIX where Judge SILBERMAN cannot be involved in the Court's Decisions regarding this Case; and ISSUE XXXIII where Judge Rothstein-Youakim cannot be involved the Court's Decisions regarding this Case.
3. The Appellant asserts that a Lack of Subject Matter Jurisdiction, renders all judgments void, and a void judgment can be challenged at any time, even collaterally, pursuant to Edwards v. State, 221 So.3d 770, at 772 (Fla. App. 1 Dist. 2017).
4. The Appellant asserts that according to Applegate v. Barnett Bank of Tallahassee, 377 So.2d 1150 (Fla. 1979), the Florida Supreme Court held: However, a misconception by the trial judge of a controlling principle of law can constitute grounds for reversal.



5. The Appellant asserts that in Napue v. People of the State of Illinois, 360 U.S. 264, at 268 (U.S. 1959): First, it is established that a conviction obtained through use of false evidence, known to be such by representatives of the State, must fall under the Fourteenth Amendment, Mooney v. Holohan, 294 U.S. 103, 55 S.Ct. 340, 79 L.Ed. 791; The same result obtains when the State, although not soliciting false evidence, allows it to go uncorrected when it appears. Alcorta v. State of Texas, 355 U.S. 28, 78 S.Ct. 103, 2 L.Ed.2d 9.
6. The Appellant asserts that in Mooney v. Holohan, 294 U.S. 103, at 112 (U.S. 1935): It is a requirement that cannot be deemed to be satisfied by mere notice and hearing if a state has contrived a conviction through the pretense of a trial which in truth is but used as a means of depriving a defendant of liberty through a deliberate deception of court and jury by the presentation of testimony known to be perjured. Such a contrivance by a state to procure the conviction and imprisonment of a defendant is as inconsistent with the rudimentary demands of justice as is the obtaining of a like result by intimidation.
7. The Appellant asserts that the Statutes of limitations have been violated from three different Statutes: (1)§ 772.17 Limitation of actions, which clearly states in pertinent part: If a criminal prosecution or civil action or other proceeding is brought in by the state, the running of the period of

limitations prescribed by this section shall be suspended during the pendency of such prosecution, action, or proceeding and for 2 years following its termination; (2)§ 95.011 Applicability, which states in pertinent part: A civil action or proceeding, called action in this chapter, including one brought by the state, a public officer, a political subdivision of the state, a municipality, a public corporation or body corporate, or any agency or officer of any of them, or any other governmental authority, shall be barred unless begun within the time prescribed in this chapter or, if a different time is prescribed elsewhere in these statutes, within the time prescribed elsewhere; and (3)§ 95.11 Limitations other than for the recovery of real property. (9) **Sexual battery offenses on victims under age 16.** An action related to an act constituting a violation of s. 794.011 involving a victim who was under the age of 16 at the time of the act may be commenced at any time. This subsection applies to any such action other than one which would have been time barred on or before July 1, 2010.

8. The Appellant asserts that a Brady error was committed contrary to Scott v. State, 657 So.2d 1129 (Fla. 1995): By its very nature, a Brady error results in an illegal suppression of material fact that could skew the jury's determination, influence the trial court, and result in an erroneous appellate determination.

9. The Appellant asserts that this Court deviated from State v. Causey, 503 So.2d 321, at 322 (Fla. 1987): At the very least, however, pursuant to Anders, in order to assure indigents fair and meaningful appellate review, the appellate court must examine the record to the extent necessary to discover any errors apparent on the face of the record.

10. The Appellant asserts that the trial Court never obtained lawful jurisdiction over him; when it failed to comply with §48.051, of the Florida Statutes, which clearly states: “Process against a state prisoner shall be served on the prisoner.”

11. The Appellant asserts that the State of Florida failed to obtain lawful jurisdiction over him; when it failed to comply with the Case of Carter v. Lil’ Joe Records, Inc., 829 So.2d 953 (Fla. App. 4 Dist. 2002), which held: (1) Jurisdiction is perfected by the proper service of sufficient process, and (2) These statutes governing service of process are to be strictly construed to insure that a defendant receives notice of the proceedings. The burden of proving the validity of the service of process is on the plaintiff.

**WHEREFORE,** the Appellant respectfully prays and requests that this Honorable Court issue an Order granting his Motion For Rehearing; Motion For Rehearing En Banc, or in the alternative his Petition For Writ of Certiorari due to fact that the Judiciary Branch has departed from the Essential Requirements of

Law and must rule in favor of his Constitutional, Procedural and Substantive Due Process, by Dismissing the Petition For Civil Commitment with Prejudice pursuant to Osborne v State, 907 So.2d 505, at 508 (Fla. 2005) which the State cannot contest under the Fundamental Miscarriage of Justice. Should this Court deny or Dismiss this proceeding this Matter will go before the United States Supreme Court pursuant to Cummings v. Missouri, 18 LED 356, at 363 (U.S. 1867).

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**CERTIFICATE OF SERVICE**

I HEREEBY CERTIFY that a true and correct copy of the forgoing brief has been furnished to: Clerk of the Court, Second District Court of Appeal, 1005 E. Memorial Blvd., Lakeland, FL 33802-0327 by U.S. Mail, this 2nd day of February, 2022: Office of the Attorney General, Concourse Center #4, 3507 E. Frontage Road, Suite 200, Tampa, FL 33607 by U.S. Mail, this 2nd day of February, 2022.

Respectfully Submitted,



Terry Lee Freeze  
Mail Number 990416  
Florida Civil Commitment Center  
13619 S.E. Hwy 70  
Arcadia, FL 34266-7861  
(863) 491-4965

ATTORNEY FOR APPELLANT