

22-5339

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

NAVARRO MARTIN, MARIA — PETITIONER
(Your Name)

vs.

STATE OF FLORIDA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

MARIA NAVARRO MARTIN
(Your Name)

DC# G30340 - Florida Women Reception
(Address)

Center 3700 NW 111th Plac, Ocala Fl.
(City, State, Zip Code)

P.O. Box: 34482
(Phone Number)

QUESTION(S) PRESENTED

- 1.- Is it Fundamental Error to Convict a Defendant under an Altered or incomplete Lesser included charge, where Counsel Affirmatively agrees to the instruction, but the record does not show that Counsel was aware of the Alteration or omission and Affirmatively agreed to it and it is also necessary for the record to demonstrate that Counsel was aware that the instruction, as altered, was erroneous?

Affirmed, question of great public Importance Certified on *Brandy v. State*, 285 So3d 346 (2nd DCA 2019). *Knight*, 267 So3d 4950.

- 2.- Is the Order rendered by the Court(s) declaring invalid, the Federal Law 28 USC § 1915(b)(4) and The Florida Rule of Appellate procedure 9430(d)(B)?

- 3.- Is it Fundamental Error to Convict a Defendant under a Perjured Warrant Arrest Affidavit, contrary to the Florida Statute Chapter 933, Florida Statute § 837.02; to the Electronic Communication Privacy Act and the Amendment IV, V and XIV of the United States Constitution?

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:

1.- Federal Bureau of Investigation, Headquarter, 935 Pennsylvania
Av. NW. Washington DC. 20535

2.- Homeland Security Dept., US. Custom and Border Protection;
1300 Pennsylvania Av. NW. Washington DC. 20004

3.- GOOGLE Subpoena Compliance; 1600 amphitheater Parkway
Mountain View, California, 94043

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
1.- STATE V. CONNEN, 545 So2d 894, 1989 Fla. App Lexis 749 (FL 4 th DCA, 1989), aff'd, 568 So2d 49, 1990 Fla (1990)	9
2.- BELL V. STATE: So2d 1125, 1991 Fla App Lexis 4050 (Fl 2 nd DCA 1991).	9
3.- SMITH V. CAIN; 565 US. 73, 75, 132 US ST 627, 181 LEd 2d 104 (2012) BRANDY V. Maryland, 373 US. 150 92 S.Ct. 765 31 LEd 2d 104 (1967)	19
4.- Ernest Jack Taylor Tr. Vs State, 508 So2d 1265 1997 (1987)	20
5. Carpenter v. United States, 138 S.Ct. 2206, 201 LEd, 21507 216 US Lexis 9844, 86 US Lw, 27 (Fl. 2018)	22

STATUTES AND RULES

- United States Constitution, Amendment IV, V, XIV
- 28 USC § 2254, 28 USC. § 1915(2), 28 USC § 1915(5)(4)
- Florida Statute: § 914.22(1)(a), § 914.22(2)(a) § 914.22(5)(2)
Chapter § 933; § 637.02, § 79.01
- Florida Rule Appellate Procedure: 9430(d)(B); 9200; 9040(h)(g)
- Florida Rule Criminal Procedure 3220(B)(1)
- Supreme Court Rules 13.3; 18; 20; 22.1; 23; 29.

OTHER

- Electronic Communication Privacy Act. (18 USC. § 2701, et seq).
- Sarbanes-Oxley Act. (18 U.S.C. § 1512 - § 1519).

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OPINION OF THE UNITED STATES COURT OF APPEAL

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APPENDIX F

SUPPORTING APPENDIX, PETITION TO AN Extraordinary Writ.

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 A 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 B 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 _____ 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 _____ 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.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was June 16, 2022.

☒ 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 January 10, 2022.
A copy of that decision appears at Appendix C.

☒ A timely petition for rehearing was thereafter denied on the following date: January 31, 2022, and a copy of the order denying rehearing appears at Appendix C.

[] 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

1. Due Process Clause, Amendment V and XIV of United States Constitution.
2. Amendment IV of United States Constitution.
3. Florida Statute Chapter 933.
4. Florida Statute, Title VII, Chapter 79 and Statute § 907.045
5. 18 USC § 1512 and § 1519
6. Florida Rule of Appellate Procedure 9040(h)
7. Florida Rule of Criminal Procedure 3220(b)(1)
8. Supreme Court Rule 23, 13.3, 18, 20, 22.1, 29.
9. Florida Statute § 914.22(1)(a), § 914.22(2)(d); § 914.22(5)(a)
10. Federal Law 28 USC § 1915(b)(4)
11. Florida Rule of Appellate Procedure 9430(d)(B)
12. Florida Rule of Appellate Procedure 9.200(2)(1)(2)(3).
13. Electronic Communication Privacy Act, (18 USC. § 2701, et seq).
14. Sarbanes-Oxley Act, (18 U.S.C. § 1512- § 1519).

STATEMENT OF THE CASE

The Decision of the United States Court of Appeal for the Eleventh Circuit, rendered on June 16, 2022; and the decision of the United States District Court of Appeal of Florida; are declaring Invalid the 18 USC 81915(b)(4), and The F.R.A.P. 9430(d)(3). Which is a Contradictory decision with the order rendered, by the Ninth Judicial Circuit Court of Orange County, Orlando Florida, on August 2, 2022; allowing to the petitioner proceed without payment of Cost for Appeal Purpose.

A prejudice should be established when the petitioner was deprived her right to review the proceedings of inferior Courts, and decisions rendered in an Statute, previously declared Unconstitutional.

"The Court also found that the Florida Statute 914.22(1)(2) was unconstitutional vague, because it failed to distinguish lawful from unlawful conduct in a way adequate to give notice as to the requirements of the Law." "The Statute failed to create a genuine Affirmative defense and that the Statute violated Due Process clause of Florida Constitution Art I § 9 and U.S Constitution Amend XIV. See *State of Florida v. COHEN*, 568, S2d 49, 1990 Fl. Lexis 1173, 15 Fb. (1990). The defense arise the issue of the Constitutionality in the Motion for Judgment of Acquittal. being denied by the honorable Keith White; it decision is in direct contradiction with the decision of another District Court. "An Unconstitutional Statute, saved to retroactively invalidate all convictions Imposed." See *Bell v. State*, 585, S2d, 1125, 1191, Fl. App Lexis, 9050 (Fl. 2nd DCA 1991).

The Appellant also alleged the wrongful procurements and Speliation of Evidences in Motions filed before the Court, without any response or being dismissed by Lack of Jurisdiction, declaring Invalid the Florida Statute Chapter 933; F.R.C.P. 3220 and Fl. Statute 837.02. The Appellant, respectfully incorporate, adopt and rely in all the Facts Stated in the Petition for an Extraordinary Writ, attach to this Petition.

REASONS FOR GRANTING THE PETITION

The Petitioner believe, that this honorable Court, should guarantee this Petition for a Writ of Certiorari; to prevent wrongful procurements and a Failure in the Fair Administration of Justice to Further Generations.

The Lack of factual basis determination by the Trial Court, can show that a prejudice was established and a Manifest Injustice may be satisfied when the petitioner was found guilty by the violation of a Statute declared previously Unconstitutional; Knowing that an Unconstitutional Statute, saved to retroactively invalidate all convictions imposed. See *Bell v. State*, 585 S.2d, 1125, 1191 Fla. App Lexis. 9050 (Fla. 2nd DCA 1991). And the Idea that the Law that does not provide sufficient minimal Standards to guide "Law enforcement officer", does not adequately protect againsts arbitrary enforcement". See *United States v. Aguilar*, 515 U.S. 593-600 (1995). (quoting *McBayley v. United States*, 283 U.S. 25, 27 (1931). *Chicago v. Morales*, 527 U.S. (1992) (Breyer Justice, Concer).

The Decisions of the United States Court of Appeal for the Eleventh Circuit are in direct contradiction with decisions of another District and Circuit Court in the same above-styled Cause, which the petitioner believe that the attempt to impose criminal liability based on an Unconstitutional Statute, wrongful procurements, spoliation of Evidences and Violation of Due Process Clause, must fail.

WHEREFORE, the petitioner, requests respectfully to this honorable Court, find as a matter of Law and Rights that this Petition for a Writ of Certiorari should be granted.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

MARIA NAVARRE MARTIN, 

Date: July 11, 2022