

No. 22-6101

ORIGINAL

Supreme Court, U.S.  
FILED

OCT 25 2022

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

NORMAN JAMES THOMPSON — PETITIONER  
(Your Name)

vs.

STATE OF FLORIDA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

FIRST DISTRICT COURT OF APPEAL  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

NORMAN JAMES THOMPSON  
(Your Name)

9544 COUNTY ROAD 476B  
(Address)

BUSHNELL, FLORIDA 33513-0667  
(City, State, Zip Code)

N/A  
(Phone Number)

### QUESTION(S) PRESENTED

Whether a defendant's due process rights are violated when a state has adopted a rule/statute crafted to permit an impartial jury, however, the state arbitrarily applies that rule and prevents a defendant from obtaining an enforced right of the Supremacy Clause?

### 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:

Ashley Moody, Attorney General, State of Florida

PL-01 The Capitol, Tallahassee, Florida 32399-1050

### RELATED CASES

Godinez v. State 290 So. 3d 144 (2020)

Phillips v. State 326 So. 3d 697, 2021 Fla. App. LEXIS 13595

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## TABLE OF AUTHORITIES CITED

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## STATUTES AND RULES

28 U.S.C. 1257(a)

OTHER N/A

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☐ is unpublished.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☐ is unpublished.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 \_\_\_\_\_; or,  
☒ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the Fourth Judicial Circuit 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 July 27, 2022.  
A copy of that decision appears at Appendix A.

☐ A timely petition for rehearing was thereafter denied 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. § 1257(a).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Sixth Amendment, US Constitution

Fourteenth Amendment, US Constitution



## STATEMENT OF THE CASE

Petitioner was charged by information on April 02, 2012 with Capital Sexual Battery. On October 11, 2013, a jury found Petitioner guilty, the trial court sentenced Petitioner to life in prison. The trial court awarded Petitioner 583 days of credit for time served. Petitioner appealed, the First DCA affirmed the judgment and sentence with an written opinion. *Thompson v. State*, 174 So.3d 453, (2015). The District Court issued its mandate on October 07, 2015.

Petitioner has since filed several post conviction relief actions including the Writ of Habeas Corpus, the subject of this petition, which was filed August 02, 2021. Petitioner asserts in writ an unconstitutional conviction by a six person jury instead of an impartial twelve person jury. A violation of Petitioner's Six/Fourteenth Amendment Due Process Rights. The Petitioner rights to a fair and impartial jury were violated throughout jury voir dire and deliberations. Issues/errors pertaining to overwhelming pretrial publicity, striking/dismissing of jurors for cause and unapproved material allowed for unrestricted review during deliberations. (*Goodinez v. St.*). The trial court denied motion on July 27, 2022. This Petition for writ of Certiorari follows.

## STATEMENT OF THE CASE

Petitioner seeks review of the state court judgment and appellate court's denial of Petitioner's Writ of Habeas Corpus, where the federal question sought to be reviewed were raised. Petitioner's federal question is timely and properly raised, thus Court has jurisdiction to review the judgment on a Writ of Certiorari.

## REASONS FOR GRANTING THE PETITION

The State of Florida First District Court of Appeal has decided an important question of Federal Law that has not been, yet should be, settled by this Court. Petitioner asserts that the US Supreme Court's decision in *Ramos v. Louisiana* directly affects the unanimous jury argument. Secondly, the use of the Supreme Clause to enforce a right. Next, the use of common law and history as a basis for the use of the Supremacy Clause.

Justice Alito and Justice Gorsuch both opined that due to the *Ramos* ruling the Court should be compelled to reconsider *Williams v. Florida*, (1970). The current debatable controversy concerning a six versus an twelve person jury. A six jury is sufficient in Florida to use in criminal cases. A manifest injustice due to fundamental error according to empirical studies.

In the instant case, Petitioner's due process rights to an fair and impartial trial were violated throughout jury voirdire and jury deliberations. Petitioner believes this case involves principles, in which the settlement of, is of great public importance and affects countless inmates. Sentences imposed by the judiciary that

## REASONS FOR GRANTING THE PETITION

ARE unconstitutional based on the Courts decisions in Williams, Appendi, Edwards, Gideon and Phillips, specifically Florida inmates.

Upon the Honorable Courts consideration whether the instant case judgment should be reviewed on Writ of Certiorari.

Petitioner request the Court to take into consideration the Justices Alito and Gorsuch opinion in the Ramos ruling concerning revisiting Williams v. Florida. Secondly, the due process right to a fair and impartial jury as guaranteed by the Sixth/Fourteenth Amendment. Lastly, the Petitioners jury/trial Constitutional violations noted throughout petition.

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Nauman Saeed Thompson

Date: October 25<sup>th</sup> 2022