

U.S. SUPREME COURT CASE NO.:

22-6148
IN THE

ORIGINAL

SUPREME COURT OF THE UNITED STATES

IN RE: LARRY JAMES BRADLEY JR., A/K/A ABDUL-IDRIS
(a natural person) et al., Annette G. Lloyd-Holland (Mother & Next Friend),
Damon Hightower a/k/a Abdur Rauf (Brother, Next Friend & Council on
American-Islamic-Relations)

PETITIONER(S)/APPELLANT(S)

VS.

JOE BIDEN et al.,

RESPONDENT(S)/APPELLEE(S)

APPELLATE CASE NO. 2D15-5266

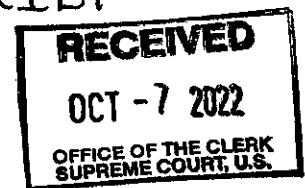
ON PETITION FOR A WRIT OF CERTIORARI TO
APPEAL FROM THE CIRCUIT COURT OF THE SIXTH
JUDICIAL CIRCUIT OF PINELLAS & PASCO COUNTIES
STATE OF FLORIDA

PETITION FOR WRIT OF CERTIORARI

28 U.S.C. § 1651(a)

APPELLANT'S INITIAL BRIEF

Larry James Bradley Jr.
A/K/A
Abdul - Idris



FLORIDA PRISONER / ALIEN I.D.# D07388

HOLMES CORRECTIONAL INSTITUTION
3142 THOMAS DRIVE

BONIFAY, FLORIDA 32425

PRO-SE

FEDERAL QUESTION

28 U.S.C. § 1331

- (1) WHETHER PETITIONER IS PROPERLY DETAINED AS AN ENEMY COMBATANT WITHOUT PRESIDENTIAL AUTHORITY TO DO SO?
- (2) WHETHER FLORIDA STATUTE SECTION §775.082(9) VIOLATES THE (SUSPENSION-CLAUSE) ARTICLE 1 §9 cl. 2 OF THE UNITED STATES CONSTITUTION AS-APPLIED TO PETITIONER?
- (3) WHETHER FLORIDA STATUTE SECTION §775.082(9) VIOLATES THE EQUAL PROTECTION GUARANTEES OF THE UNITED STATES CONSTITUTION AS-APPLIED TO PETITIONER?
(i.e., THE CITIZENSHIP CLAUSE U.S.C.A. XIV § 1 cl. 1)
- (4) WHETHER FLORIDA STATUTE § 775.082(9) VIOLATES THE COMMERCE-CLAUSE PROVISIONS OF THE UNITED STATES CONSTITUTION AS-APPLIED TO PETITIONER?
- (5) WHETHER FLORIDA STATUTE SECTION §775.082(9) VIOLATES THE FOURTH AMENDMENT AS-APPLIED TO PETITIONER?
- (6) WHETHER FLORIDA STATUTE SECTION §775.082(9) VIOLATES ARTICLE 3cd) OF THE FIRST GENEVA CONVENTION? AS-APPLIED TO PETITIONER?
- (7) WHETHER RESPONDENT(S) ARE ENTITLED TO IMMUNITY PURSUANT TO THE FOREIGN SOVEREIGN IMMUNITY ACT 28 U.S.C. § 1604?

(i)

LIST OF PARTIES AND CORPORATE
DISCLOSURE STATEMENT Fed. R. App. P. 26.1

- ☒ All parties do not appear on the cover page in the caption.
A list of all parties to the proceeding whose judgement is the subject of this petition is as follows:

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OPINION BELOW

- [✓] Petitioner, respectfully prays that a writ of certiorari issue to review the Order of Adjudgement Denying Petitioners' challenge to the constitutionality of Florida's Recidivist statute violating the Equal Protection Guarantees of the Florida and United States Constitutions As-Applied to Petitioner.
- [✓] The opinion of the "foreign state," Pasco County Sixth Judicial Circuit Court appears at "Appendix B".

JURISDICTION

28 U.S.C. §1257(a)

The date on which the highest state court decided my case was rendered on October 12, 2017 from the Second District Court of Appeal of the State of Florida, (see Appendix "A").

[✓] The lower court opinion(s) from the Florida District Court for the Second District No. 2D15-5266 dated on June 28, 2017 are appended at, (See Appendix B).

[✓] The order denying rehearing from the Florida District Court for the Second District No. 2D15-5266 dated on August 04, 2017 is appended at, (See Appendix A).

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257 (a), as the Government Action complained of arises under the Equal Protection Guarantees & Commerce Clause provisions of the United States Constitution, see *State of Minnesota vs. Clover Leaf Creamery Company et al.*, 449 U.S. 456, 66 L.Ed 2d 659, 101 S.Ct. 1735 (1981), and the protections of the "Suspension Clause, U.S. Const. art. 1, 9, cl. 2. (see also *BOUMEDIENE, et al., vs BUSH et al.*, 553 US 723, 128 S.Ct. 2229, 171 LEd 2d 41, 2008 US LEXIS 4887 (2008).

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STATEMENT OF THE CASE & FACTS

Petitioner, Larry James Bradley Jr., A/K/A Abdul Idris is a national of the Muslim Nation and natural born citizen of the United States. The governmental action complained of has alienated and thereby expatriated Petitioner from within the ambit of the Citizenship Clause, of the United States Constitution (XIV U.S.C.A. § 1) and his detention violates the substantive and procedural due process guarantees of the Fifth Amendment to the U.S. Constitution.

On or about January, 2014, Respondent(s), Florida Department of Agriculture agents seized, arrested and detained Petitioner for the pretextual criminal offense of "TeleMarketing Without A License," (see Appendix "C"), to be construed in pari materia with its federal counterpart, "Telephone Consumer Protection Act," 47 U.S.C. § 227 so that they illuminate each other and are harmonized. This initial arrest and detention occurred within the extraterritorial jurisdiction of Pinellas County (i.e. a political subdivision of The STATE OF FLORIDA), of whom which subsequently transferred custody of Petitioner to Pasco County (i.e. also a political subdivision of THE STATE OF FLORIDA), by process of attachment (i.e., supervised probation). Both are "foreign state" territories of the United States as defined in the "FSIA" 28 U.S.C. § 1603.

On July 14th 2014, "foreign state" agent Detective C. Cougill of Pasco County Sheriff's Office, acting under the color of state law and pretextual extraterritorial jurisdiction, alleged that Petitioner violated the terms and conditions of the probation (i.e., Tele-Marketing Without A License) for allegedly committing the pretextual criminal offense of "Lewd or Lascivious Conduct," Fla. Stat. § 800.04 (b)(b), (see Appendix "G").

On August 7th 2014, the Prosecuting Attorney charged Petitioner with the pretextual offense of "ATTEMPTED LEWD or LASCIVIOUS Molestation" Fla. Stat. § 800.04(5)(b)/777.04 (see Appendix "D").

On July 31ST 2015, the Prosecution further tortured and extrajudicially Killed, (see 28 U.S.C. § 1350 Alien's action for tort) Petitioners' rights by purportedly amending the charging information from "Attempted Lewd or Lascivious Molestation" to reflect the offense of "Lewd or Lascivious Molestation" (see Appendix "E"), and added a count two alleging the offense of "HARASSING A WITNESS" Fla. Stat. § 914.22(3), and enhancing the sentencing penalty to mandate a mandatory LIFE SENTENCE (i.e., indefinite detention) pursuant to Florida's recidivist statute § 775.082(9), (PRISON RELEASEE RE-OFFENDER Act.) On September 10TH 2015 The Prosecution again purportedly amended the charging information to which Petitioner was wrongfully convicted, adjudged and sentenced (see Appendix "F")

Petitioner filed a Florida Rule of Criminal Procedure 3.800(b)(2) Motion To Correct An Erroneous Sentence, prior to filing this initial appellate brief, preserving his constitutional challenge to this Honorable Court by review on writ of certiorari that Fla. Stat. § 775.082(9) violates the Florida and United States Constitutions Equal Protection Guarantees, As-Applied to Petitioner.

REASONS FOR GRANTING THE PETITION

ARGUMENT & CITATION TO AUTHORITY

CLAIM ONE

FLA. STAT. § 775.082(9) VIOLATES THE EQUAL PROTECTION & COMMERCE CLAUSE GUARANTEES OF U.S. CONSTITUTION AS-APPLIED TO PETITIONER

STANDARD OF REVIEW

The standard of review under Fourteenth Amendment equal protection rationality analysis without regard to which branch of state government has made the legislative judgement is governed by federal constitutional law, and a state court's application of that standard is fully reviewable in the United States Supreme Court on writ of certiorari. (STATE OF MINNESOTA vs. CLOVER LEAF CREAMERY COMPANY et al., 449 U.S. 456, 66 L Ed 2d 659, 101 SCT 715, 101 SCT 1735 (1981)).

ARGUMENT ON THE MERITS

§ 775.082(9), Fla. STAT., violates the XIV Fourteenth Amdt, and Art. 1 c 8, cl 3 of the Equal Protection & Commerce Clause provisions of the Federal Constitution, as-applied to Larry Bradley a/k/a Abdul Idris, an African American-Muslim, and natural born citizen of the United States. As in the context of life felonies, no rational basis exists for classifying recidivists based on whether the recidivist has committed or attempted to commit a new offense within three (3) years or after three (3) years from his release from custody for purposes of determining whether the offender receives a mandatory life sentence, and because no rational basis exists for subjecting Petitioner, to a harsher sentence than offenders before the Court for the same offense who have more egregious criminal records based on

nothing more than whether an offense was committed or an attempt to commit an offense was proven within three (3) years from a prior release from custody or after three (3) years. Accordingly, Petitioner, is entitled to immediate release from the current continual, perpetual and arbitrary detention or a new sentencing hearing, where he is not subject to sentencing under §.775.082(9), Fla. Stat.

A Petitioner may bring either a facial or as-applied constitutional challenge to a statute, see Eide v. Sarasota County, 908 F.2d 711 (11th Cir. 1990), see also CITIZENS UNITED vs. FEDERAL ELECTION COMMISSION, 558 US 310, 130 SCT 876, 175 LED 2d 753 (2010). A facial challenge to a statute is more difficult than an 'as-applied' challenge because the challenger must establish that no set of circumstances exists under which the statute would be valid. Conversely, when a person makes an as-applied challenge, he or she is attacking only the governmental decision to apply the statute, not the statute in general. In this context, the challenger must show that the government action complained of is "truly irrational."

The Florida Supreme Court has explained the considerations governing an Equal Protection claim as follows:

A statutory classification will be deemed to violate equal protection only if it causes "different treatments so disparate as relates to the difference in classification so as to be wholly arbitrary." In re Estate of Greenberg, 390 So.2d 40 (Fla. 1980), abrogated by Shriners Hospitals for Crippled Children v. Zrillic, 563 So.2d 64 (Fla. 1990). Where no suspect classification is involved, "the statute need only bear a reasonable relationship to a legitimate state interest." Id. Some inequality or imprecision will not render a statute invalid. Jackson v. State, 191 So.3d 423 (Fla. 2016).

Under § 775.082(9), Fla. Stat., the Prison Releasee Reoffender Act, persons who commit certain enumerated offenses within three (3) years or after being released from a state correctional facility operated by the Department of Corrections, must be sentenced to the maximum sentence for their new offense. Florida courts have repeatedly rejected facial challenges to the Prison Releasee Reoffender Act on equal protection grounds. See, e.g., Grant, 770 So. 2d 655; Rollinson v. State, 743 So. 2d 585 (Fla. 4th DCA 1999); Woods v. State, 740 So. 2d 20 (Fla. 1st DCA 1999). However, because a facial constitutional challenge must be denied, if there is any set-of-circumstances to which the statute can be denied constitutionally, those holdings do not foreclose a Petitioner or sub-set of Petitioners from arguing that, while the act may not be unconstitutional in all respects, it is unconstitutional as-applied to them. See, Eide v. Sarasota County, 908 F.2d 716 (11th Cir. 1990).

Here, Petitioner, Larry Bradley, respectfully submits that the Prison Releasee Reoffender Act (PRR) "violates the equal protection clause 'as-applied' to persons before the court facing life felonies, and as-applied to himself personally. The trial court denied relief (appendix B), finding that "the state has a legitimate interest in preventing violent crimes committed by recidivist who have shown either a repeated or an escalated pattern of criminal behavior, reflecting resistance to prison's prospectively deterrent effect." As I did below, I, acknowledge that requiring recidivists who commit new crimes after their release from custody to serve a mandatory maximum sentence

for their new offense is rationally related to the legitimate state goal of deterring criminals from recidivating, and the Courts of this state have repeatedly found this to be true. However, this does not end the equal protection inquiry. Instead, there must also be a rational reason for classifying recidivists based upon the commission of a new offense within three (3) years or after three (3) years of release from custody and treating the formerly differently than the latter.

In Lazy Y Ranch Ltd. v. Behrens, 546 F.3d 580 (9th Cir. 2008), a corporation, Lazy Y Ranch, attempted to lease grazing lands from the State of Idaho, and despite the fact they were the highest bidders for the lands, the State of Idaho refused to lease the lands to them. Lazy Y Ranch Ltd., 546 F.3d at 584-85. The defendants claimed the bids were denied because the administrative costs of making the lands suitable for Lazy Y Ranch were too significant to justify accepting their bid over accepting the lower bid of the previous lessee. Id. However, Lazy Y Ranch argued that various state officials violated the Equal Protection Clause when they rejected its bids, asserting that the bids were actually rejected because Lazy Y Ranch (1) had perceived ties to conservationists; and (2) is a Washington corporation that was attempting to enter the Idaho grazing market, and that classifying bidders and rejecting their bids on the foregoing basis was not rational. Id. at 589. The defendants filed a motion to dismiss

arguing that their articulated legitimate reason for declining to lease the lands to Lazy Y Ranch ended the Equal Protection inquiry and meant that Lazy Y's claims of actual improper motives failed to establish an Equal Protection claim because ... they have offered a legitimate purpose for denying the leases to which their actions rationally relate, [.]” *Id.* at 589.

The Court examined the claim as follows:

(1). Defendants Offer No Reason For Treating Conservationists Differently From Other Bidders

The first flaw in Defendants' argument is that they have only put forth a rationale for denying Lazy Y's leases; they have not offered a rational basis for classifying based on whether whether a lease applicant is a conservationist, as Lazy Y alleges. As Defendants note, the Supreme Court has often indicated that rational basis review should not inquire into the actual purpose of the challenged classification. See FCC v. Beach Communications, Inc., 508 U.S. 307, 315, 113 S.Ct. 2096, 124 L.Ed.2d 211 (1993); United States R.R. Retirement Bd. v. Fritz, 449 U.S. 166, 179, 101 S.Ct. 453, 66 L.Ed.2d 368 (1980); see also Heller v. Doe, 509 U.S. 312, 321, 113 S.Ct. 2637, 125 L.Ed.2d 257 (1993) (a classification “must be upheld against equal protection challenge if there is any reasonably conceivable state of facts that could provide a rational basis for the classification” (citation and quotation marks omitted)); Minnesota v. Clover Leaf Creamery Co., 449 U.S. 456, 463-64, 101 S.Ct.

715, 66 L.Ed.2d 659 (1981) (rejecting argument that state had to demonstrate an empirical basis for its classification). However, these cases do not require us to accept Defendants' characterization of what classification they made. In *Beach Communications*, for example, there was no dispute over what line Congress had drawn: it drew "a distinction between [cable television] facilities that serve separately owned and managed buildings and those that serve one or more buildings under common ownership or management," with only the latter being exempt from regulation. 508 U.S. at 309, 113 S.Ct. 2096. The question was whether this distinction survived rational basis review. See *id.* In analyzing whether it did, the Court noted that "because we never require a legislature to articulate its reasons for enacting a statute, it is entirely irrelevant for constitutional purposes whether the conceived reason for 'the challenged distinction' actually motivated the legislature." *Id.* at 315, 113 S.Ct. 2096 (emphasis added).

Here, by contrast, the nature of the classification — i.e., what line Defendants drew — is at the center of the dispute. *Lazy Y* alleges that Defendants classified on the basis of whether the bidder was associated with conservationists, and pleads numerous facts that, if proven, would tend to establish this theory. Though Defendants assert that they classified only on the basis of the costs associated with prospective lessors' management plans, nothing in the

Cases they cite requires us to accept their explanation. Similarly, while administrative costs might be a valid reason to deny a bidder a lease, it simply does not offer a basis for treating conservationists differently from other bidders.

The Supreme Court's opinion in Olech illustrates this point. In Olech, the plaintiff alleged that her town had demanded a 33-foot easement in exchange for access to the water supply, while the easement asked of others were only 15 feet. 528 U.S. at 563, 120 S.Ct. 1073. The Court did not ask whether there was a rational basis for the village asking for a 33-foot easement from one of its citizens. See id. at 565, 120 S.Ct. 1073. Rather, the Court noted the plaintiff's allegations that there was no rational reason why she had to provide a larger easement than her neighbors'. The allegation of irrational differential treatment properly stated an Equal Protection claim. See id.

Similar to Olech, the question here is not simply whether administrative costs were a rational reason for denying Lazy Y's bid. In short, Lazy Y's claims suggest that administrative costs only matter in some cases—i.e., when the high bidder is a conservationist. The real question is whether there is a rational basis for this distinction. On this record, there is not. Id. at 589-90 (footnotes omitted).

In Lazy Y Ranch, the flaw in the defendants' argument was that they had only put forth a rationale for denying Lazy Y's leases; they had not offered a rational basis for classifying based on whether a lease applicant is a conservationist. Id. at 589. As the Court stated "while administrative costs might be a valid reason to deny a bidder a lease, it simply does not offer a basis for treating conservationists differently from other bidders." Id. at 590. Similarly, as observed in Lazy Y Ranch, the Court in Olech, "did not ask whether there was a rational basis for the village asking for a 33-foot easement from one of its citizens." Id. (citing, Olech, at 565, 120 S.Ct. 1073). "Rather, the Court noted the plaintiffs' allegations that there was no rational reason why she had to provide a larger easement than her neighbors." Id.

Here, while it may be rational to provide increased sanctions for recidivists who commit new crimes after their release from incarceration; The Respondent(s) have offered no rational basis for classifying recidivists based on whether the recidivist commits his new offense within three (3) years or after three (3) years from his release from custody. Furthermore, while the District Courts and the Supreme Court have found it to be rational to provide increased sanctions for recidivist who commit new crimes after their release from incarceration; none of the District Courts nor the Supreme Court have

ever addressed the question of whether, in the context of an offender before the Court for sentencing on a life felony, a rational basis exists for classifying recidivist based on whether the recidivist commits a new offense within three (3) years or after three (3) years from his release from custody.

Petitioner, Larry Bradley, acknowledges that some imprecision is permissible, and that equal protection does not require the legislature to attack all aspects of a problem or not address it at all, and this is precisely why Petitioner's challenge to the statute is as-applied to offenders before the Court for sentencing on life felonies. More specifically, in the context of lesser felonies, the discrepancy in treatment based upon the three (3) year line of demarcation may not be so great as to be arbitrary. For instance, in Rollinson v. State, 743 So. 2d 585, 589 (Fla. 4th DCA 1999), approved, 778 So. 2d 971 (Fla. 2001), the Court found, in perfunctory fashion, that "Limiting the Act's application to releasees who commit one of the enumerated felonies within three years of prison release is not irrational," and the Court in Grant v. State, 770 So. 2d 655, 661 (Fla. 2000) cited the perfunctory statement with approval. However, in Rollinson, the act was being applied to a third degree felony, punishable by five (5) years imprisonment, and in Grant the act was applied to a second degree felony, punishable by fifteen (15) yrs. imprisonment. In the context of second and third degree felonies, where the act

creates a potential sentencing disparity between the two classes of recidivist of only five (5) or fifteen (15) years, the distinction drawn between the two classes may not be irrational (though the Rollinson Court nor the Court in Grant was able to actually articulate a basis for finding the classification rational).

However, in the context of life felonies, where the three (3) year line of demarcation means the difference between receiving a mandatory life sentence or possibly receiving a sentence of only probation, it is patently unreasonable to distinguish between those offenders who commit a life felony within three (3) years from release of custody and those who commit a life felony three (3) years and a day from their release from custody.

See, Jackson, 191 So.3d at 426 ("A statutory classification will be deemed to violate equal protection only if it causes different treatments so disparate as relates to the difference in classification so as to be wholly arbitrary.") Simply put, it is wholly irrational for the sole factor determining whether the sentencing court must sentence a recidivist to a mandatory life sentence, or is permitted to sentence the offender to a probationary sentence, to be whether the recidivist waited more than three (3) years from his release from custody to commit his life felony. This is particularly so where, as here, the classification creates the absurd result that offenders before the Court on the same charges as Petitioner, who have more egregious criminal records, See, (S-374-75), could be sentenced to

a term of probation, while Petitioner faces a life sentence because he committed his offense within (3) years from his release from custody, but permitting offenders who commit the same offense, with more egregious criminal records, to potentially receive a sentence of probation so long as they wait three (3) years and a day to commit their new offense is rational. Accordingly, the application of the "PRR" statute, as-applied to Petitioner, without a judicial determination of probable cause that Petitioner has committed or was committing an offense, is truly irrational and entitles Petitioner to relief.

Consequently, because the PRR statute, as-applied to offenders who commit life felonies, and as-applied to Petitioner personally, violates the Equal Protection clause of the United States and Florida Constitutions, Petitioner is entitled to immediate release, or a new sentencing hearing, where the sentencing court is free to impose any sentence it deems appropriate, including a sanction of life imprisonment - but is not required to do so under the PRR statute. See Jackson, 191 So.3d at 426 ("A statutory classification will be deemed to violate equal protection only if it causes different treatments so disparate as relates to the difference in classification so as to be wholly arbitrary."); Lazy Y Ranch, 546 F.3d at 590 (In an equal protection challenge, the question is whether there is a rational basis for the distinction drawn.).

CLAIM TWO

FALSE IMPRISONMENT

Petitioners' continuing detention violates the fundamental due process rights durational limits on detention, where there has been no judicial determination of "probable cause" as required by law, that Petitioner has committed, was committing or attempted to commit either of the pretextual offenses Petitioner stands wrongfully convicted of. The United States Supreme Court case of Gerstein v. Pugh sets the standard for a judicial determination of "Probable Cause," see Gerstein v. Pugh, 420 U.S. 103, 95 S.Ct. 854, 43 L.Ed.2d 54 (1975), see also Director General of Railroads vs Kastenbaum, 68 L.Ed 146, 263 U.S. 25 (1923).

CUSTODY

Petitioner, Larry Bradley a/k/a Abdul Idris is in the physical custody of Respondent Robert Flores Warden of Holmes Correctional Institution, and Ricky Dixon, Secretary of the Florida Department of Corrections, a detention facility and "foreign state agency" within the extraterritorial jurisdiction of the "United States," (see Foreign Sovereign Immunities Act "FSIA" 28 USC § 1603(b)), and the direct control of Respondents.

Petitioner is similarly situated to other Muslim men before the Court of whom are or have been unlawfully detained at Guantanamo without "Probable Cause," charge or trial, many of them for nearly 15 years or more, See Rasul v. Bush, 542 U.S. 466 (2004), also Boumediene v. Bush, 533 U.S. 723 (2008). The arbitrary executive imprisonment of Petitioner violates the "Due Process" and "Liberty" provisions of the Citizenship Clause, and said governmental conduct further wrongfully concludes Petitioner to be unfairly discriminated against as a non-citizen detainee held extraterritorially, within the United States jurisdiction.

The Citizenship Clause (i.e., XIV U.S.C.A. § 1) applies to the "Foreign State" territory of Holmes County, a political subdivision of the STATE OF FLORIDA, and de facto U.S. territory, see Mohamed Ali Samantar vs. Bashe Abdi Yousuf et al., 560 U.S. 305, 130 S.Ct. 2278, 176 L.Ed.2d 1047; 2010 U.S. LEXIS 4378). Petitioner is a natural born African American Muslim, entitled to the same privileges and immunities of other natural born or naturalized citizens within the meaning of the Fourteenth Amendment

More specifically, when determining what constitutional standards apply when the government acts with respect to expatriated non-citizens outside the "de facto" territorial

lines of demarcation of the United States, when none of the District Courts nor the Supreme Court has ever addressed a "pure question of law," regarding an "alleged" non-citizen of a "de facto" foreign state within the "de facto" extraterritorial limits of the United States. Petitioner acknowledges again, that Due Process does not require the legislature to attack all aspects of a problem or not address it at all, and that some imprecision is permissible. This is precisely why Petitioners' challenge to the "fact" and "length" of his imprisonment, is a proposition, of course, not that the Constitution 'does not apply' per se overseas, but that there are provisions in the Constitutions which simply do not necessarily apply in all circumstances in every foreign place, see Reid v. Covert, 354 U.S. 1, 74 (1957) (Harlan, J., concurring).

Petitioner has been detained for eight years (8); without a judicial determination of "Probable Cause" to believe Petitioner has committed, was committing, or even attempted to commit a crime and has reached the outer limits of that durational limit to do so. Perpetual detention on the basis of no more than executive decree compels relief regardless of the original basis of the detention. The arbitrary restraint on Petitioners' liberty

must be remedied by the judicial branch, Hamdi v. Rumsfeld, 542 U.S. 567 (2004). Freedom from bodily restraint is the "most elemental of liberty interest" and has always been at the core of liberty protected by the due process provisions of the Citizenship Clause from arbitrary governmental action.

Even more specifically, in 2001, Congress passed the Authorization for Use of Military Force, Pub. L. No. 107-40, § 2(a), 115 Stat. 224, 224 (2001) ("AUMF"). Petitioner further contends that this Statute when read pursuant to the doctrine of 'in pari materia' (which requires courts to construe related statutes together so that they illuminate each other and are harmonized), is very similarly related in a "functionality test" to Florida's Prison Releasee Re-Offender Act, (i.e. "P.R.R."), the burdens (i.e., Taxations) these statutes imposes upon Petitioner and similarly situated Muslims within Guantanamo based on undifferentiated suspicion of, and antipathy toward Muslims. The arbitrary government conduct complained of expands the the subject-matter-jurisdiction as in CHARLES WILLIAM LEDFORD V. UNITED STATES, 297 F.3d 1378; 2002 U.S. App. LEXIS 15740; 2002-2 U.S. Tax Cas, (i.e. truly irrational).

Petitioners' continued detention unrelated to any actual ostensible need for the continued detention violates practical

"Foreign Islamic International Law" (Holy Qur'an Surah 9:1), and the sentence of indefinite involuntary servitude, fla. Stat. § 775.082(9) violates the Suspension Clause of the United States Constitution Article 1 § 9 cl. 3, as-applied to Petitioner, and is manifest with President Trump's religious animus and avowed determination and proclamation to not release detainees from Guantanamo. As a sample, Trump has called for "a complete shutdown of Muslims" entering the country⁽¹⁾; and argued that all Muslims suffer from a sickness.... there's a sickness going on,⁽²⁾ see Abdullah v. Obama, 753 F.3d 193, 198-99 (D.C. Cir. 2014), clear violations of the First Geneva Convention Art. 3(d).

DURATION & CIRCUMSTANCES OF PETITIONERS' DETENTION VIOLATE PROCEDURAL & SUBSTANTIVE DUE PROCESS

Due process is a concept that requires rationality and proportionality in government action. Petitioners' claim of "false - imprisonment" turns on the question of "Probable Cause," and a reviewing court's scope of review limits this inquiry to the "four corners" of an arresting officers' arrest affidavit, see Theresa ST. George v. Pinellas County, 285 F.3d 1334; 2002 U.S. App. LEXIS 4565; (11TH Cir. 2002).

⁽¹⁾ Press Release, Trump-Pence, Donald J. Trump Statement on Preventing Muslims Immigration (Dec. 7, 2015), <http://bit.ly/2gKaDm>

⁽²⁾ Dan Friedman, Trump Cites "Sickness" in Defense of Muslim Immigration Ban Proposal, Fox News (Dec. 13, 2015), <http://fxn.ws/2m7BnDh>.

Respondent(s) have no legitimate or bonafide governmental objective for "denying" Petitioner the minimum requirements of due process, and rational basis review should not inquire into the actual purpose of the challenged decision to detain Petitioner. The question here is not simply whether Petitioner is a natural born citizen of the United States or a naturalized foreign Muslim. The real question is whether there is a rational basis for this distinction? On this record, there is not.

Even assuming arguendo that Petitioner was an "alleged enemy combatant", a court that receives a petition from such a person must itself ensure that the minimum requirements of due process are achieved, see Boumediene v. Bush, 533 U.S. 723 (2008). Petitioner is in his eighth (8th) year of indefinite detention: through several presidential terms, several sessions of Congress, and a constantly shifting conflict between America and Al-Qaeda (Foreign Muslims). Petitioner's perpetual uncertainty about his fate, including whether he will ever be released, is resulting in severe psychological torture, on top of the systematic abuse, cruel treatment, and extrajudicial killing of an innocent Muslim. (Extrajudicial Killing and Torture defined in 28 U.S.C. § 1350)

⁽³⁾ Medical experts liken prolonged indefinite detention to sensory deprivation — a recognized form of psychological torture. The arbitrary executive imprisonment, driven by religious animus, is unlawful. When compared to similarly situated detainees at Guantanamo in a material aspect, the physical indefinite detention manifests clear violations of international law. The arrest of a thing is to obtain jurisdiction over the person. A distinction is taken between civil and territorial jurisdiction, civil jurisdiction is referred to consent; it binds all who have consented. Territorial jurisdiction goes farther; it operates upon those who have not assented — such as aliens — but the alien must do something. But if an alien be forcibly or fraudulently carried within the territory, (e.g., as Petitioner), then no consent is implied and consequently there is no ground for jurisdiction. Sovereigns are equal. It is the duty of a sovereign not to submit his rights to the decision of a

⁽³⁾ Cheyette, Cara, Punishment Before Justice: Indefinite Detention in the U.S., Physicians for Human Rights, pg. 11 (June 2011), <http://bit.ly/2gzmTK1>.

co-sovereign. He is the sole arbiter of his own rights. He acknowledges no superior, but Allah (i.e. God) alone, without a partner. To his equals, he shows respect, but not submission, see The Schooner Exchange vs. M'Faddon and Others, 3 L.Ed 287. The Fourteenth Amendment citizenship (XIV U.S.C.A. §. 1 The Citizenship Clause) is one which a citizen keeps unless he voluntarily relinquishes it, and once acquired, cannot be shifted, canceled, or diluted at the will of the Federal Government, the states, or any other governmental unit, Beys Afroyim vs. Dean Rusk, 387 U.S. 253, 18 L.Ed 2d 757, 87 S.Ct. 1660 (1967), see also Reynolds v. Sims, 377 U.S. 533, 12 L.Ed.2d 506, 84 S.Ct. 1362 (1964). Accordingly, the "Citizenship Clause" contains a substantive component that bars certain arbitrary, wrongful government actions.

CONCLUSION & RELIEF SOUGHT

Based upon the aforementioned material facts & citations to authority, Petitioner has demonstrated how Respondents have departed from the essential elements of law, which has resulted in the injurious unlawful detention where adequate relief cannot be obtained in the singular form of procedural vehicle Habeas Corpus, Article 1 § 9 cl. 2. Exceptional circumstances exist of which to aid this Honorable Court's appellate jurisdiction pursuant to 28 U.S.C. § 1257(a), and this Court's Rule 20.1 of which further relief may be afforded in the furtherance of justice, see 28 U.S.C. § 1651(a), as no other court can extend the remedy/relief sought without this Honorable Court's initial review, by a writ of certiorari, see *STATE OF MINNESOTA vs. CLOVER LEAF CREAMERY COMPANY et al.*, 449 US 456, 66 LEd 2d 659, 101 S.Ct. 715, reh den (US) 68 LEd 2d 222, 101 S.Ct. 1735.

Wherefore, Petitioner seeks from this Court in the alternative:

- (1). Assume jurisdiction over this matter:
- (2) Issue an order directing Respondents to show cause why this writ or any other writ in the interest of justice should not be granted.
- (3) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner.
- (4) Award Petitioner reasonable costs and attorney's fees, and.
- (5) Grant any other relief which this Court deems just and proper, as "A threat to justice anywhere is a threat to justice everywhere," (quoting Dr. Martin L. K. Jr.).