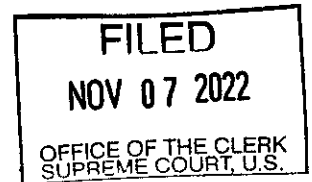


22-6215

ORIGINAL

No. \_\_\_\_\_



\_\_\_\_\_  
IN THE  
SUPREME COURT OF THE UNITED STATES  
\_\_\_\_\_

BRENDA DAVIS \_\_ PETITIONER

VS.

MALLARDS LANDING ASSOCIATES LTD. D/B/A  
MISSION POINTE APARTMENTS \_\_ RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO  
SUPREME COURT OF FLORIDA  
**PETITION FOR WRIT OF CERTIORARI**

NOVEMBER 7, 2022

BRENDA DAVIS

P.O. BOX 440944

JACKSONVILLE, FLORIDA, 32222

(904)881-9157

COUNSEL FOR RESPONDENT, LOWENHAUPT SAWYERS & SPINALE, 7765  
S.W. 87<sup>TH</sup> AVENUE, SUITE 201, MIAMI, FLORIDA, 33173, (800) 232-0558  
EMAIL [pleadings@fl-landlord.com](mailto:pleadings@fl-landlord.com)

## QUESTION(S) PRESENTED

REVIEW POINT I: Whether Petitioner's Health, Safety and Welfare were protected and attentive while living in unsafe housings particular contaminated with mold.

REVIEW POINT II: Whether the Supreme Court of Florida and other courts erred in not applying next step rules, statues and citations of authorities in their Denied decisions, partly and not entirely to the Petitioner's specific requests, motions and petitions, etc.

REVIEW POINT III: Whether, the outcome of any Court's decisions, specifically involving health safeness deserves Rehearing. The basis of Rehearing a question of great public importance. (See Fla.R. App. P 9.120 and 9.210)

## **LIST OF PARTIES**

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

## TABLE OF CONTENTS

	PAGES
OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.....	3-5
STATEMENT OF THE CASE.....	4-5
REASONS FOR GRANTING THE WRIT OF HABEAS CORPUS.....	6
CONCLUSION.....	7



**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The opinion of the United States Court of Appeal appears at appendix (D, p5) to the petition and is unpublished.

The opinion of the United States District appears at appendix (A, pp3-3A) to the petition and is unpublished.

For cases from state courts:

The opinion of the Duval County, Florida Fourth Judicial Circuit Court appears at appendix (B, p5) to the petition and is unpublished.

## **JURISDICTION**

For cases from federal courts:

The date on which the United States Court of Appeal decided my case was August 15, 2022.

A timely petition for rehearing was denied by the United States Court of Appeal on the following date August 23, 2022 and a copy of the Order denying rehearing appears at appendix (D, p5).

The jurisdiction of the U.S. Supreme 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 6, 2022.

A copy of that decision appears at appendix (A-(5) p3C).

A timely petition for rehearing was thereafter denied on the following date: August 15, 2022, and a copy of the order denying rehearing appears at appendix (C, pp4).

An extension of time to file the petition for a writ of certiorari was not granted to, but is requested in Petitioner's Reasons for Granting the Petition and Conclusion. (See p.6-7)

The jurisdiction of the U.S. Supreme Court is invoked under 28 U.S.C. § 1257(a).

### **CONTITUTION AND STATUTORY PROVISION INVOLVED**

Article 1 section 24 of Florida Constitution (a) Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution.

Section 1 Amendment XIV to the United States Constitution. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.



### **STATEMENT OF THE CASE**

On June 14, 2022 the First District Court of Appeal directed Petitioner to serve a copy of the Motion for Rehearing docketed on June 13, 2022 to Respondent with a supplemental certificate of service within 10 days in accordance to Florida Rules of Appellate Procedure 9.410(a). (*See app.A-(3b) p3B*)

It was unclear to send Respondent's Motion for Rehearing, when Motion for Rehearing, Clarification, Certification and Written Opinion all combined Motions were submitted to the First District Court of Appeal and parties on May 30, 2022. Petitioner did as directed by sending supplemental certificate of service and combined motions to Respondent. Courts should have provided reconsideration, clarification, and next steps rules when applying Denied opinions to Petitioner's requests, any and all other forms of her requests to the Courts. This cause of action is a matter of great public importance for Rehearing. Fla. R. App. P. 9.330.

This matter is brought before this Court originated cause of harms to Petitioner, because the Respondent, d/b/a as Mission Pointe Apartments, willingly and knowingly ignored the Health, Safety and Welfare guidance under housings protection rules while Petitioner was living in unsafeness and mold contamination that caused her a near death experience.

Florida Habitability Law Living Condition and Repairs, 2022. In Florida a landlord obligation for providing habitable living space is primarily governed By Fla. Stat. § 83.51. (See *Lynette R. Jividen V. FCCI Insurance Company, etal*, 17<sup>th</sup> Judicial Circuit Court of Broward County, Florida, Judge 05 Bidwill, Martin J. Presiding, 2021). Jividen was awarded \$48,257,922.00 from becoming ill from mold in her condo. (See *Sunshine Meadows v. Bank One Dayton, N.A*, 599 SO.2d 1004,1007-08 FLA DCA 1992 ). A condominium association appealed a partial summary judgment Certifying Questions granting foreclosure on all condominium units. (See *Giggers v. Memphis Housing Authority* 277 S.W. 3d 359 (Tenn. 2009). (A) ----- To assist states and political subdivisions of states to remedy the unsafe housing conditions and the acute shortage of decent and safe dwellings for low income families.

## **REASONS FOR GRANTING THE PETITION**

Petitioner as *pro se* tried to with the best of her ability to present all Courts, particularly this United States Supreme Court needed documents to get case Granted and be awarded the highest in monetary damages for the continuations, still as of today, living in the conditions under UNFAIR HOUSINGS or dwellings and being in a class that is not protected as law requires. It is written law that the Petition For Writ of Certiorari is not a matter of right, but of judicial (the Court's) discretion. It is fact finding that all classes of people used Abuse of Discretion. All humans are entitled not as a right but as all created with decency to be entitled to basic needs, great services for Health, Safety and Welfare. There are never great outcomes with particular unhealthiness. Especially when unhealthy people continuously live in places they have to be and not where they want to be. Reasons Petition should be Granted because there is a need to be properly compensated for encountering, fraudulence, intimidation, conspiracy, retaliation and the list continues on with great corruption in housings at the top of list. A great public importance, is a need for better affordable houses for a better affordable living. The Petitioner deserves the opportunity to present the reasons the proposed actions from Federal and State Court decisions should not be taken.

### **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Brenda Davis *pro se*

Brenda Davis

November 7, 2022