

22-6377
No. SC 22-1216 ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
OCT 26 2022
OFFICE OF THE CLERK
SUPREME COURT, U.S.

Thaddeus Chaylon Martin — PETITIONER
(Your Name)

vs.

State of Florida — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Third District Court of Appeal
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Thaddeus Chaylon Martin
(Your Name)

(Walton C.I.) 691 Institution Road
(Address)

Defuniak Springs, FL 32433
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

① Did Court have Jurisdiction to Amend and re-charge then re-sentence again years later to an expired sentence?
Martin received (145) day time serve April 29, 2013 thus Court couldn't re-sentence to (10) years as to Count 2 Aggravated/Battery May 26, 2016 w/o violating due process and double Jeopardy clause.

② Was Martin sentence to probation April 29, 2013 as to Count 2 Aggravated/Battery? Martin entered into a detail plea agreement and was adjudicated guilty as to Count 2 Aggravated/Battery w/o probation.

③ Martin Sentence was corrected again September 14, 2020 awarding all credit time served from 2012? Dept. of Corrections Applied 698 prior jail credit and 169 prior prison credit but removed 719 days already served and were originally sentenced with - missing 719 that Court authorized and new Court order stated Martin should've been awarded all prior jail credit and all prior prison credit additionally to the 719 days already sentenced with. Sentenced with 719 May 26, 2016 credit to (10) years sentence.

④ Is Martin serving an illegal sentence? Which can be corrected at any time. Yes Martin is serving an illegal sentence due to Court did not have Jurisdiction to re-charge and resentence to (10) years and Court order to Award all credit time served but Dept. of Correction removed (719) days

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:

Lance Eric Neff (General Counsel)
Florida Department of Corrections
501 South Calhoun Street
Tallahassee, Florida 32399

RELATED CASES

3DCA # 3D22-0872

1DCA # 1D21-1438

Lower Court # F12-30062

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A	Third District Court of Appeal
APPENDIX B	Eleventh Judicial Circuit Miami-Dade Supreme Court of Florida (Lower Court)
APPENDIX C	Supreme Court of Florida
APPENDIX D	Supreme Court of Florida
APPENDIX E	
APPENDIX F	

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

F12-30062

3D22-0872

1D21-1438

STATUTES AND RULES

Rule 3.800

OTHER

Violation of due process and double Jeopardy
clause

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 Third District Court of Appeal; 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 Supreme Court of Florida; 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 C to the petition and is

- ☐ reported at Eleventh Judicial Circuit Miami-Dade County; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the Third District Court of Appeal court appears at Appendix A to the petition and is

- ☐ reported at filed June 22, 2022; 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 22, 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: 9-19-2022, and a copy of the order denying rehearing appears at Appendix C and D.

☐ 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).

Supreme Court of Florida Monday, September 19, 2022 Case # SC22-1216
Lower Tribunal # 3D22-0872 Appendix C and Appendix D
Stated no motion for rehearing or reinstatement will be entertained
by the Court.

☐ For cases from state courts:

The date on which the highest state court decided my case was 9-19-2022.
A copy of that decision appears at Appendix C and D.

☐ A timely petition for rehearing was thereafter denied on the following date:
Court will not entertain, 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

Violation of due process and violation of double jeopardy clause and illegal detention

Martin has credit from the following time frames

* 12-05-2012 to 4-29-2013

* 6-04-2013 to 11-01-2014

* 11-03-2015 to still incarcerated and never released.

Case # F12-30062 Jail # 13-35449 May 21, 2014 at 4:08 pm (492) CTS

Case # F12-30062 Jail # 15-21237 May 27, 2016 at 1:57 pm (719) CTS
plus also (145) days Time Served 4-29-2013

Courts awarded (719) days 5-26-2016 and (867) days 9-14-2020
equal total (1,586) days already served must be subtracted.

This is Martin first felony conviction in his life and also first time on probation for Count 1 false imprisonment "only". Thus he can not be labeled as a VFOSC and forced into probation hearing on Count 2 Aggravated/Battery when never sentenced to probation as to Count 2 Agg/Batt in order to be released. Martin is not a three-time violent felony offender as defined in S. 775.084(1)(c) ~~and~~ Martin was never convicted of 3 violent crimes and never went to hearing to be labeled violent felony offender of Special Concern under section S.S. 903.0351, 948.064, and 921.0024.

STATEMENT OF THE CASE

Petitioner Martin was arrested December 2012
April 29, 2013 was adjudicated guilty as to Count
2 Aggravated/Battery received (145) days "Time Served"
(Exhibit A Count 2 Agg/Batt Final Judgment and sentence)
received (145) day Time Served April 29, 2013 with no probation

Dept. of Corrections filed motion to clarify sentence not
change or correct. D.O.C. Seen a conflict in paperwork
because Martin was never sentenced to probation
(Exhibit B January 23, 2015 Clarification hearing stating
Martin was never sentenced to probation as to Count 2
Aggravated/Battery received (145) days "Time Served")

Court made changes and amended his already served and completed
Sentence and file Defendant oral motion to clarify to
impose an larger and harsher Sentence years later
w/o Jurisdiction and Commit fraud and prejury by filing
this motion to appear Petitioner filed motion to give his
Self more time and resentence to (10) years after amended
then manually revoke and add additional Same charge to appear
he violated (Exhibit C Defendant's oral motion to clarify sentence)
September 14, 2020 Lower Court Corrected Sentence by awarding
All credit time served. Martin already had been sentenced with
(719) May 26, 2016 Court awarded all prior Jail Credit ~~(698)~~ day
and (169) prior prison days with all credit from 2012 which is
the (719) days (Exhibit D Sept. 14, 2020 order correcting sentence)
Dept. of Correction still has not corrected sentence and applied all
therefore Martin is still serving illegal sentence. D.O.C awarded
(698) days and (169) days but removed (719) days he already had
(Exhibit E Dept. of Correction Affidavit Showing 719 Jail
Credit Authorized May 26, 2016 and removed on next page)
* Court Order issued L.M. and all credit time served was removed

REASONS FOR GRANTING THE PETITION

Petitioner Sentence has been completed and he is serving an illegal sentence which can be corrected at any time pursuant to Rule 3.800 and he is being illegally detain and sentence is completed.

(Exhibit F Request form from Classification stating 85% date has already passed 7-10-2022)

This is a green case and violation of due process and double jeopardy clause.

(Exhibit G First District Court of Appeal, Court order transfers the motion to correct to Miami-Dade County Martin recieved (145) days' Time Served" 4-29-2013 thus Court did not have Jurisdiction to Amend already expired Sentence as to Count 2 Aggravated/Battery. Please Review. 1-23-2015 Clarification hearing filed by Dept. of Corrections because found error in paper work and Court clarify Martin was never sentenced to probation.

Martin has done every litigation required but Court simply denied to delay and make petitioner go through Appeal process. 9-14-2020 Corrected Sentence

Also Court Order to award all credit time served from 2012 but D.O.C. removed 719 days to confuse Courts with different calculations so by the time sentence is corrected he will served over 100% of sentence illegal

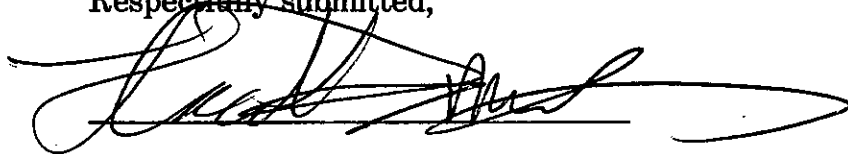
detained. Original Trial Judge Miller has been assigned to Third District Court of Appeal therefore Appeal Court has Denied thus needing Supreme Ct of U.S. to assume Jurisdiction to release Martin from being illegally detained for many years now. Petitioner need higher authorities to compel court. Judge Browyn Miller is now Appeal Judge thus present conflict

Please review January 23, 2015 Clarification hearing Martin recieved (145) days "Time Served" as to Count 2 Aggravated / Battery April 29, 2013 and never was sentenced to probation Thus courts had no Jurisdiction to manually re-charge and resentence plus impose larger harsher Sentence by including probation then manually revoke to resentence to (10) years May 26, 2016 as to Count 2 Aggravated / Battery. Please Help me!

CONCLUSION
Petitioner Martin was adjudicated Guilty of Aggravated / Battery Count 2 recieved (145) days "Time Served". Thus Court had no Jurisdiction re-charge and resentence again and again to (10) years years later. Recieved (145) days timeserved April 29, 2013 violation of due process and double Jeopardy.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "L. Martin", written over a horizontal line.

Date: December 05, 2022