22-6492 ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

CASE NO.:

ZOE AJJAHNON,
PETITIONER

-v -

THE STATE OF FLORIDA,

RESPONDENT

ON PETITION FOR WRIT OF CERTIORARI TO FLORIDA'S FIFTH DISTRICT COURT OF APPEALS (5th DCA Case No.: 22-2629)

PETITIONER'S ARGUMENT IN SUPPORT OF THE PETITION

ZOE AJJAHNON
PRO SE PETITIONER
110 Chestnut Ridge Rd.,
Montvale, NJ 07645
Ph.:850-518-2739

QUESTION PRESENTED

Florida's adoption of the Federal Constitution Fourteenth Amendment at section 9 of its constitution reads, "No person shall be deprived of life, liberty or property without due process of law", wherefore, in this case, do:

i) Florida's Orange County trial court's final judgment upon an abridged rendering /partial text of *Fla. Stat. § 83.60 (2)* and entered without due process requirement of hearing Defendant's *Fla. Stat. § 83.64(2)* defense;

ii) Florida's Fifth District Court of Appeals deliberate, intentional flout of the Constitution's due process requirements for Decisions on the Record as evinced in repeated denial of requisite due process Written Opinion of its order affirming the trial court's writ of possession final judgment; and,

iii) Florida's supreme court's denial with prejudice Defendant's repeated attempts to cure the procedural deficiencies from the 5th DCA

constitute deprivation of due process guarantees under the *Constitution's Fourteenth Amendment* that provides, "No State shall make or enforce any law which 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."?

TABLE OF CONTENTS

INDEX OF APPENDICES

TABLE OF AUTHORITIES

PAGE

CASES

STATUTES AND RULES

THE PARTIES

1. *Pro Se* Petitioner, Zoe Ajjahnon, attempted to defend against complaint for eviction from rental dwelling, 7457#D Daniel Webster Drive, Winter Park, FL 32792 first in The County Court of The Ninth Judicial Circuit in And for Orange County, Florida where the defense was not heard. Appeal taken to Florida's Fifth District Court of Appeals returned an unappealable affirmation of the trial court's final judgment of writ of possession. Subsequent defense attempts in applying due process standard in Florida's Appellate court system were summarily dismissed with prejudice in Florida's supreme court.

Pro Se Petitioner will receive process in this matter before the U.S. Supreme Court at, 110 Chestnut Ridge Road, Montvale, NJ 07645.

2. The State of Florida at Art. I§ 9 of its constitution incorporates the Constitution's Fourteenth Amendment Due Process privileges in the statement, "No person shall be deprived of life, liberty or property without due process of law." However, the state has established in its court system an appeals process that routinely denies due process of law, an inadequacy that in this case has deprived the vital property interests of Defendant's residence.

RELATED ACTION

UNDER COURT RULE 42 (a)(3) THAT PROVIDES FOR ORDERS ON CONDSOLIDATED DIRECTLY RELATED FACTS OR LAWS ON A QUESTION BEFORE THE COURT PETITIONER MOVES BEFORE THE COURT ON:

1) **MOTION FOR WRIT TO THE FBI FOR ALL THE BUREAU's DOCUMENTS /RECORD OF 2008-2022 OF OR RELATED TO MICHAEL REUBEN BLOOMBERG TO BE REVIEWED BY A COURT APPONITED AD HOC COMMITTEE / TASK FORCE FOR THE IMPLEMENTATION OF INDICATED MEASURES TO RESTORE NATIONAL SECURITIES**

Whereas the actor Michael Reuben Bloomberg of this Petition for Certiorari presents clear, present and substantial threats to national securities – both physical and economic, Petitioner consolidates a motion to the Court for Writ to the FBI for records into the allegations supporting the motion.

2) **Motion to Dismiss and Reverse the US Supreme Court 10/04/21 (11/15/21 Rehear) Order Denying Mandamus to the NJ District Court in Case No.: 2-19-cv-16990 BRM and Reinstate *In Re., Zoe Ajjahnon,* Case No.: 21-5018 to Grant this Cure Under FRCP 60 (b)(d)(1) That Provides Relief From Judgment Where the Facts and Laws of this Motion Justify Relief From the Denied Mandamus Order and the Court May Entertain an Independent Action Granting Petitioner Relief From Judgment, Order, Proceedings.**

Consolidated move whereas the actor Michael Reuben Bloomberg of this Petition for Certiorari is complicit in the falsification of the complaint in the NJ trial court of this matter's proposed reversal order for writ of mandamus to the NJ district court, Case No.: 2-19-cv-16990 BRM and as a matter of law the proposed order for reversal was material in the Florida Orange County trial court of instant Petition for Certiorari. (App. G, 30a – 35a)

In The Supreme Court of The United States

Zoe Ajjahnon, Petitioner

v.

The State of Florida, Respondents

On Petition for Writ of Certiorari to Florida's Fifth District Court of Appeals
(5th DCA Case No.: 22-2629)

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully petitions the Court for a writ of certiorari to Florida's Fifth District Court of Appeals *to review the question of offense to the Constitution's Fourteenth Amendment in deprivation of Constitutional guarantees in that court's routine render of unappealable judgments* in violation of both National and State Due Process laws.

ORDERS WITHOUT DUE PROCESS REQUIRED OPINION

i) Florida's Fifth District Court of Appeals, 11/21/2022 order affirming trial court's judgment rendered without the requisite Written Opinion for due process appeal. (App. A, 1a)

ii) Florida Orange County court for the 9th judicial circuit, 10/28/2022 final judgment for writ of possession. (App. B, 2a)

SUBSEQUENT ORDERS (ALSO RENDERED WITHOUT THE WRITTEN OPINION) IN FLORIDA APPELLATE COURTS DENYING DUE PROCESS OF LAW IN VIOLATION OF THE FOURTEENTH AMENDMENT

iii) Florida supreme court, 11/28/22022 Order dismissing with prejudice Defendant-Petitioner's appeal from the 5th DCA 11/21/2022 order, stating, 'lack of jurisdiction to hear without Written Opinion' and that the supreme court will, 'entertain NO motion for rehearing or reinstatement from Defendant. (App. C, 3a, 3a cont.)

iv) 5th DCA 12/01/2022 Order Denying Petitioner's motion for the requisite Written Opinion (App. D, 4a)

v) Fla S. Ct, 12/01/2022 Order denying as "moot" petition for Mandamus to the 5th DCA for the Written Opinion. (App. E, 5a)

vi) Fla. S. Ct. 12/05/2022 Order striking as 'unauthorized' Petitioner's motion for reinstatement of petition for Mandamus. (App. F, 6a, 6a cont.)

JURISDICTION

As of right to appeal Notice of Appeal Orange County trial court final judgment for writ of possession was entered in the Fifth DCA 11/01/2022 (Case No.: 22-2629)

On direct appeal, docketed 11/23/2022 in Florida's supreme court (Case No.: 2022-1605) from

the 5th DCA 11/21/2022 order affirming the trial court's writ of possession judgment, rendered without a written opinion, Defendant-Petitioner invoked the Court's Jurisdiction for Appeal under 9.030(1)(A)(ii) for "decisions of district courts of appeal declaring invalid a state statute or a provision of the state constitution" and Discretionary Jurisdiction under Rule 9.030(2)(A)(iv) in 5th DCA ruling that "directly conflicts with the Supreme Court's teachings on the same question of law".

Petitioner's subsequent 12/01/2022 filings in Florida's supreme court for writ of mandamus to the 5th DCA panel court for written opinion for its 11/21/2022 affirmation of the lower trial court's final judgment for writ of possession and 12/01/2022 motion to stay judgment pending the pursued written opinion for due process appeal invoked the State supreme court's original jurisdiction under Florida Appellate Courts Rule 9.030(3) for the court's original jurisdiction that states, "The supreme court may issue writs of prohibition to courts and all writs necessary to the complete exercise of its jurisdiction, and may issue writs of mandamus and quo warranto to state officers and state agencies.

Jurisdiction in this Court is invoked under *28 U.S.C. §1257 (a)* allowing, "Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States."

CONSTITUTIONAL AND STATUTORY PROVISIONS AT ISSUE

i) The *U.S. Constitution's Fifth and Fourteenth Amendments* providing, "no state [shall] 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".

ii) *Florida State Constitution Article 1, § 9* giving, "All natural persons, female and male alike, are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess and protect property" (Art. 1); section 9, Due process, "No person shall be deprived of life, liberty or property without due process of law, or be twice put in jeopardy for the same offense, or be compelled in any criminal matter to be a witness against oneself."

iii) *§ 83.60 (2) Fla. Stat.* full text,

"In an action by the landlord for possession of a dwelling unit, if the tenant interposes any defense other than payment, the tenant shall pay into the registry of the court the accrued rent as alleged in the complaint or as determined by the court and the rent which accrues during the pendency of the proceeding, when due. The clerk shall notify the tenant of such requirement in the summons. Failure of the tenant to pay the rent into the registry of the court or to file a motion to determine the amount of rent to be paid into the registry within 5 days, excluding Saturdays, Sundays, and legal holidays, after the date of service of process constitutes an absolute waiver of the tenant's defenses other than payment, and the landlord is entitled to an immediate default judgment for removal of the tenant with a writ of possession to issue without further notice or hearing thereon. In the event a motion to determine rent is filed, documentation in support of the allegation that the rent as alleged in the complaint is in error is required. Public housing tenants

or tenants receiving rent subsidies shall be required to deposit only that portion of the full rent for which the tenant is responsible pursuant to federal, state, or local program in which they are participating."

iv) *§ 83.64 (2) Fla. Stat.* providing, "Evidence of retaliatory conduct may be raised by the tenant as a defense in any action brought against him or her for possession.

STATEMENT OF CASE

The matter before the Court is one of clear, intentional, ongoing abuse of the Fifth and Fourteenth Amendment of the US Constitution by Respondent. The issue arises from a Landlord/ Tenant eviction case in The County Court of The Ninth Judicial Circuit in And for Orange County, Florida (County Court, Case No.: 2022-CC-017074-O). Plaintiff, Sandler Holdings, LLC on 10/07/2022 sued to evict Petitioner from 7457#D Daniel Webster Drive, Winter Park, FL 32792 for $546 partial rent due 10/01/2022.

Defendant-Petitioner entered a timely Answer in a Motion for Dismissal of the complaint and for Injunctive Relief under Florida Residential Landlord/Tenant contract laws, *Fla. Stat. 83.64(2)* that provides, "Evidence of retaliatory conduct may be raised by the tenant as a defense in any action brought against him or her for possession."

Defendant/Petitioner's Answer evidenced clear and convincing substantiation that Agent / Actor for Landlord, Edward Sandler in violation of *Fla. Stat. § 83.53 (2)(a)* that requires notice and consent to enter tenant's premises and *Fla. Stat. § 83.53 (3)* that forbids landlord abuse of right to enter the rented premises unlawfully entered / caused to be entered Defendant/Petitioner's apartment and Landlord actor Edward Sandler committed the further illegality of burglary as determined in *Fla. Stat. § 82.01(1)* that makes illegal "[the act of]

entering into and taking possession of real property with force – in a manner not easy, or open, is authorized by a person entitled to possession of the real property and the possession is only temporary or applies only to a portion of the real property.", unlawfully entered /caused to be entered Defendant's residence to steal and in fact did steal Defendant's property. Specifically, on 10/12/2021 at ~1:00pm agent for landlord/Plaintiff, Edward Sandler, entered or caused to be entered Defendant-Petitioner's residence to steal and stole Petitioner's unique IP modem address that was necessary for a retaliation scheme he conspired to with one Michael Reuben Bloomberg. The scheme is one of intrusion into Petitioner's internet and telephone communications, specifically, to end any and all Petitioner's funds of saved earnings and or projected earnings from current or possible future earnings.

Actor Landlord felony of burglary of Petitioner's unique IP modem address that was crucial to further the retaliation scheme, within a year from the theft worked to completely drain Defendant-Petitioner's savings account by the systematic abusive intrusion into Petitioner's online job applications where Michael Bloomberg continued a scheme of false job interviews and job offers – so that Petitioner may realize no potential current or future earnings/income. Petitioner per force lived on her savings that within a year of actor for Landlord/Plaintiff's theft left Petitioner- Defendant without money to pay the rent (or for any other living expenses).

This *Fla. Stat. § 83.64(2)* defense was not heard at trial. The county court entered a default judgment under an abridged text of *Fla. Stat. § 83.60 (2)* against Defendant/Petitioner despite this affirmative and timely defense and granted final judgment to Plaintiff of Writ of Possession. *Fla. Stat. § 83.60(2)* gives, 'the failure of the tenant to pay rent into the Registry of the Court constitutes an absolute waiver of the tenant's defenses other than payment, and entitles the

landlord to an immediate default without further notice or hearing thereon.'

Over and above the substantial due process denial to not hear the *Fla. Stat. § 83.64(2)* defense, the trial court went against laws prescribed by the Florida supreme court for conditions for payment into the court registry in defenses other than payment of rent - the partial text applied under *Fla. Stat. sec. 83.60 (2).* In, *Ferry-Morse Seed Co. vs. Hitchcok, 426 S.2d 958, 961 (Fla. 1983). Ferry-Morse Seed Co. vs. Hitchcok, 426 S.2d 958, 961 (Fla. 1983),* Florida's supreme court mandates a Rental Termination Notice *in addition to* a proper Three-day Notice before filing an eviction. Under this Florida law, only with these two documents the court may enter a Fla. Stat. 83.60 (2) judgment. *Park Plaza Associates Ltd. vs Glenn D. Paraday and Deborah A. Paraday, Case No. 99-05843 COWE (81) [6 Fla. L. Weekly Supp. 730c] decided by the Honorable Jane Fishman on August 20, 1999.* [Internet Source, wordpress.com] Plaintiff Landlord served No Rental Termination Notice on Defendant at any time during this case's eviction proceedings.

Defendant entered Notice of Appeal to Florida's Fifth District Court of Appeals (the 5th DCA), 11/01/2022. The 5th DCA granted appeal as to review and affirmed the county court's judgment. **The order**, bald 'unelaborated' – **was rendered without the due process requisite written opinion 11/21/2022.** (App. A, 1a)

Defendant-Petitioner's 11/23/2022 appeal to Florida's supreme court from this order on 11/28/2022 was summarily dismissed with prejudice in: "This case is hereby dismissed. This Court lacks jurisdiction to review an unelaborated decision from a district court of appeal that is issued without opinion or explanation or that merely cites to an authority that is not a case pending review in, or reversed or quashed by, this Court. … No motion for rehearing or

reinstatement will be entertained by the Court." (App. C, 3a)

Defendant's subsequent motion to the 5th DCA for the required Written Opinion was denied,12/01/2022 (App. D, 4a). Defendant's following Petition to Florida's supreme court for Mandamus (Fla. S. Ct. Case No.: 2022-1605) to the 3 panel 5th DCA court to provide the Written Opinion was dismissed as "moot', 12/01/2022 (App. E, 5a).

A further Petition to Florida's supreme court Chief Justice for reinstatement of the case whereas it has been rendered 'unappealable' by virtue of the denied Written Opinion from the 5th DCA returned an emphatic denial in the 12/05/2022 order stating: "Petitioner's Motion to Reinstate Petition for Emergent Mandamus to Stay Judgment Invoking the Court's Original Jurisdiction filed with this Court on December 2, 2022, and Petitioner's Emergent Motion to Stay Judgment Pending Outcome of Deliberation of Reinstatement Pleadings for Writ of Mandamus to the Fifth District Court of Appeals for Written Opinion Coming Under the Court's Original Jurisdiction Rule 9.030(3) filed with this Court on December 5, 2022, are hereby stricken as unauthorized. PLEASE BE ADVISED THAT THE ABOVE STYLED CASE IS FINAL IN THIS COURT AND NO FURTHER PLEADINGS MAY BE FILED. ANY FURTHER FILINGS WILL NOT BE RESPONDED TO AND PLACED IN A MISCELLANEOUS FILE." (App. F, 6a)

The trial court's writ of possession judgment was executed the following day on 12/06/2022, 12:30pm.

A 12/05/2022 appeal to the Governor to Stay execution whereas Petitioner was denied due process in the judiciary was not granted for fear of trespass on Separation of Powers standards. The Governor's office made no comment on what Petitioner shared of the 'routine of

unappealable judgments' in the Florida Appellate courts, as Defendant was informed by telephone just prior contacting the Governor's office when Fla. supreme court deputy clerk of court on 12/06/2022 volunteered that it happens 'all the time'' that the (Fla.) district courts of appeals do not provide a Written Opinion with their orders, and to be sure, "[one] cannot get through the door of this Court (the Fla. Supreme Court) without it''.

Material Fact and Procedures of the Case

This matter arises from the Landlord/Tenant eviction action Sandler Holding, LLC v. Zoe Ajjahnon (Case No.: 2022- CC – 017074-O) initiated in the Florida Orange County court on 10/07/2022. Plaintiff is landlord of Petitioner's rental unit, 7457#D Daniel Webster Drive, Winter Park, FL 32792. Actor / Agent for Landlord is one Edward Sandler, a professional Real Estate Broker and self-proclaimed owner of 90 such rental units.

Petitioner first entered into a one-year Lease contract with Sandler in April of 2020. Lease term, 1st April 2020- 31st March 2021 - monthly rent, $875/month. The Lease was renewed for a year April 1st 2021 – March 31st 2022 – monthly rent, $885/ month. Defendant-Petitioner signed a further one-year lease contract on April 1st 2022, lease term 1st April 2022 – 31st March 2023 – monthly rent, $905/month.

In each Lease contract Defendant's rent was consistently paid on time and in full until September 1st 2022 when Petitioner's savings – necessarily the only means of paying the rent since actor Landlord's theft of Defendant's IP property 10/12/21- was completely drained. Defendant had to use her saving to pay the rent secondary Edward Sandler's crucial complicity in a retaliation scheme specifically aimed to steal, drain, or otherwise end completely any and all funds Petitioner has or might have.

Specifically, on 10/12/2021 Edward Sandler entered / caused to be entered Defendant's renal unit for the predetermined purpose to steal/get Petitioner's unique IP modem address necessary for an ongoing Retaliation scheme he had conspired to. This scheme began in 2010 by one Michael Reuben Bloomberg in retaliation against Petitioner for intelligence against him to the US Government or otherwise FBI law enforcers.

Petitioner is a writer (since 2000) for LOI Network, Inc. a corporation that deals with global physical and economic securities. In this role, Petitioner has written on the securities compromises domestic and international that Mr. Barack Hussein Obama threatens since his theft of the US presidency in 2008. Mr. Obama is a member of the al Qaida terror group and his theft of the oval office was according to al Qaida's well-planned and well-funded scheme to plant an operative in the US Government.

In August of 2010 Michael Reuben Bloomberg of Manhattan, New York, owner of several media outlets entered into a pact (a blackmail really, App. G, 25a) with Mr. Obama to present his public image as, to use words, "tough on terrorism".

In addition to his media outlets, Mr. Bloomberg rents computer terminals on Wall Street for real-time markets watch news. Where LOI's content opposes the falsehood that Mr. Obama is not a terrorist, Mr. Bloomberg has, since this pact, employed whatever computer skills at his disposal to intrude into Petitioner's internet and telephone communications for the expressed purpose to subvert and counter LOI content for publications of Mr. Barack Hussein Obama in keeping with the pact.

The 2010 pact provided for Mr. Bloomberg a vicarious assumption of the prerogatives of the US President and of full authority over the US government. Michael Bloomberg pursued

'bringing back' that assumed authority /vicarious head of the US Government in the 2020 presidential elections and in his turn stole the US presidency in 2020. (There is physical evidence of this such as from President Trump's recounts of the votes, some counties in Pennsylvania reportedly had double the number of votes (and those votes were for Mr. Biden) than residents in the county.) Mr. Bloomberg acts under the assumption (for him the conviction) that he is "the US Government" in his retaliation against any writing or complaint Petitioner has made to legitimate governing bodies / government official about either his or Mr. Obama's illegalities.

Putting himself out to be US Government, in January 2020 Mr. Bloomberg, monitoring Petitioner's communications ingratiated himself with Petitioner's supervisors at a temporary Government job in NJ she held. Secondary COVID restrictions Petitioner had to file for unemployment benefits. Michael Bloomberg pretending to be the US Government hacked into the NJ state government portals for "the Government to not give Defendant any more than $10,000 in unemployment and CARES Act benefits".

Mr. Bloomberg, obtained Petitioner's personal information from the online application for benefits, presented himself as authority over government money and hacked into the New Jersey Department of Labor (DOL) computers to cut in half the unemployment benefits Petitioner was approved and subsequently ended all benefits when Petitioner's benefits from Cares Act and unemployment reached just under $10, 000 (at $9, 600)

Mr. Bloomberg at that time also hacked into Petitioner's personal Chase bank account. Concurrently, by virtue of his monitoring Petitioner's online job search, Mr. Bloomberg subjected Petitioner to fraudulent CareerBuilder job postings, a number of fake virtual job interviews and months of harassing text messages, thwarting Petitioner's ability to secure an

income (Petitioner-Defendant was forced then also to live on savings.)

Petitioner changed her bank account number after the NJ DOL hack event but that Michael Bloomberg continued to intrude on her telephone and interment traffic this did not avail for his subsequent further hacking into Petitioner's bank account a second time on September 18th 2021.

On September 18th 2021 Michael Reuben Bloomberg, with the aid of the FBI in Washington DC (see App. G, 28a - 29a) conducted a particular vicious attack on Petitioner's telephone, computer, and bank account in retaliation for Petitioner's September 15th 2021 letter brief to the FBI of Mr. Obama's and Mr. Bloomberg's past and present threat to national and international securities. (App. G, 24a- 27a)

The 9/18/21 summary further substantiates Michael Bloomberg's violence in preventing Petitioner from getting an income whereas this attack was made on a new Independent Insurance business Defendant-Petitioner started.

Defendant responded to the 9/18/21 attack by changing her telephone number, getting a new telephone number and carrier, discontinuing her then email address and swapping out her modem device for internet services in switching to ethernet (hardwire access) to the internet as opposed WiFi.

Michael Bloomberg answered by contacting actor/agent landlord, Edward Sandler to gain access into Petitioner's dwelling to "get the unique IP address for the new modem".

In pursuit of establishing the Independent Insurance business Petitioner on October 12 -14, 2021 attended a three-day training. Both Michael Bloomberg and Edward Sandler knew Defendant would be away from the premises 9am -5pm each of those three days by virtue of the ongoing telephone intrusion.

Michael Bloomberg's fervent, "[I] have to get into that house" was permitted facilitated by Edward Sandler, actor for landlord. On October 12th 2021 around 1:00pm Edward Sandler entered / caused to be entered Defendant's apartment for the purpose of stealing – and in fact did steal – Defendant's unique IP address for the new modem.

Agent / actor for landlord Edward Sandler is guilty of forcible entry and theft and under Florida laws *Fla. Stat. § 82. 01 (1)* the felony of burglary, incurring liability to Defendant for damages sustained from his *Fla. Stat. § 82. 01 (1)* illegalities, this statute makes illegal "[the act of] entering into and taking possession of real property with force — in a manner not easy, or open, even if such entry is authorized by a person entitled to possession of the real property and the possession is only temporary or applies only to a portion of the real property." Mr. Sandler's illegalities are in violation of further State statutes regulating the residential Lease contract in Florida. Directly abused are *Fla. Stat. sec. 83.53 (2)(a)* that conditions entry into the rented unit on prior notice to and consent of the tenant, and *Fla. Stat. § 83.53(3)* that makes it unlawful for 'the landlord to abuse rights to access.' Defendant had no prior notice of and did not consent to agent/actor for landlord, Edward Sandler entry/facilitated entry into Defendant's rented property on 10/12/2021.

Sandler's theft of Defendant's new modem IP address allowed Michael Bloomberg to continue the harassing abusive rights-violating intrusion of LOI's content and Petitioner's other job search. Michael Bloomberg, as before, continued fake job interviews and offerings. Multiple attempts to file an FBI report on this cyber-hacking and abuse were thwarted. Literally, once Petitioner, named the criminal actor Michael Bloomberg, the FBI agent would hang up. This happened repeatedly and online submissions are suspected to not have been properly routed

to the FBI.

Actor for Plaintiff, Edward Sandler's involvement in the retaliation scheme did not end with his theft of the IP address. Actor landlord continued his intrusive eavesdropping in Defendant's telephone and email communications – so that in June 2021 after hearing Defendant speaking to a family member of possibly ending the lease early in June, Edward Sandler started using Defendant's apartment address to get Plaintiff's past due Association fees bills.

Defendant for a full year subsequent actor Plaintiff burglary at her residence continued to honor of the lease terms despite landlord agent's participation in Michael Bloomberg's harassing, abusive, rights-violating conduct and in his retaliation schemes against Petitioner that prevented income and completely drained her savings.

But for actor Plaintiff, Edward Sandler's 10/12/21 theft of Defendant's new IP modem address in participation in Michael Bloomberg's retaliation scheme to steal, drain and otherwise prevent all Defendant's earnings, Defendant-Petitioner would not have faced with the irreparable harm of an eviction. Edward Sandler actor landlord's theft of Defendant- Petitioner's IP address proximately caused the irreparable harm of no money to pay the rent and caused his eviction action against Defendant.

Where *Fla. Stat. § 83.64(2)* provides for defense against a rent or possession / eviction action where Defendant proves retaliatory conduct as proximate cause of action, Petitioner on 10/17/2022 entered this defense in answer to the complaint and move for dismissal of the action and for injunctive relief asking for landlord to be enjoined from eviction actions against tenant/Defendant/Petitioner given his violations of Lease regulations and theft of tenant's property that proximately caused his eviction action. (App. G, 7a – 35a)

Sandler/Landlord/ Plaintiff on 10/21/2022 entered motion for Default to the court under Fla. Stat. 81.60 (2) (1989). On 10/25/2022 Petitioner/Defendant filed Response to Plaintiff's stance that *Fla. Stat. § 83.60 (2)* mandates payment of rent into court registry and waives defenses other than payment of rent or otherwise court determination of amount of rent to be paid, holding, the full contextual reading of this statute allows for trial court assessment for rent to be paid and that that was essentially put before it in the affirmative defense for the injunctive relief and assessment for punitive damages for Plaintiff/actor for landlord Edward Sandler's theft in retaliation misconduct that proximately caused the rent not paid for which Plaintiff brings action.

The Orange County court adopted Plaintiff's argument in Motion for Default and Possession that relied on, Defendant failed to deposit monies in the Court Registry as required by **Fla. Stat. 83.60(2).** [and []] Fla. Stat. 81.60(2) (1989) gives that the failure of the tenant to pay rent into the Registry of the Court constitutes an absolute waiver of the tenant's defenses other than payment, and entitles the landlord to an immediate default without further notice or hearing thereon" rendered 10/28/2022 in Order Entering Default and Final Judgment for Possession upon *Fla. Stat. § 83.60(2)(2009)*- **the text in isolation, was applied in conflict with Fla. Stat. § 83.64 (2) allowance for defense where the action is secondary retaliation by landlord. Fla. Stat. § 83.64 (2) applied in this textual 'isolation' appears a state statute inherently hostile to Constitutional due process rights for the defense to be heard. Further, the statute was** applied/the trial court judgment rendered in absence of Florida law set out by the State's supreme court requirement for a Rental Termination Notice *in addition* to a proper Three-Day Notice before waiver of any other defense than payment of rent, Florida Supreme Court Ruling, *Ferry-Morse Seed Co. vs. Hitchcok, 426 S.2d 958, 961 (Fla. 1983).* [Internet Source, wordpress.com]

Notice of Appeal was filed in Florida's 5th DCA 11/01/2022 (Case No.: 22-2629). Defendant /Petitioner sought de novo review in a 11/18/2022 Emergent Motion on appeal from the trial court's judgment, Defendant argued, that Florida courts' standard for application of *Fla. Stat.§ 83.60(2)* in the lower tribunal's 10/28/2022 Order Entering Default and Final Judgment for Possession was defective.

The argument substantiated that read in context *Fla. Stat. § 83.60(2)* does not *indiscriminately* 'waive any defense other than payment' of rent citing [the 5th DCA"s] teachings of standard in *K.D. Lewis Enterprises Corp. v. Smith,* 445 So. 2d 1032, Fla. Dist. Court of Appeals 5th Dist., (1984) that guards this principle in, "even filing of a counterclaim does not relieve tenant of the statutory obligation to pay rent into the court registry". The Appeal argued that the statute read in context specifies counterclaim "for [/of] money damages" as a matter of related statute, *Fla.* Stat. § 83.232 (4) that states, "The filing of a counterclaim *for money damages* does not relieve the tenant from depositing rent due into the registry of the court." (Emp. added). The argument further supported that *Fla. Stat. § 83.60(2)* read for/in full text allows for the trial court to determine how much rent (if any) to be paid. Petitioner put to the 5th district court of appeals that the lower tribunal court erred in dismissal of the intent, the meaning of this law by disregard of the full statutory text that provides, 'the court upon motion may determine how much rent is to be paid', pointing out that the error is manifested in the court's disregard of the affirmative defense evidencing clear legal right to injunctive relief motioned for. This is not a 'counterclaim' for money, the injunctive relief- by definition- is not a monetary counterclaim,

Defendant-Appellant requested injunction against existing harm of agent for Landlord

conspired retaliation scheme's 'wiped out' funds, leaving no money for rent or any other living expenses - a direct and proximate result of Edward Sandler, agent for landlord/Plaintiff's *Fla. Stat.§ 82.01(1)* burglary illegalities and *Fla. Stat. § 83.53 (2)(a) & Fla. Stat. § 83.53 (3)* residential lease violations.

The appeal substantiated that Edward Sandler's theft of Defendant/Appellant's unique IP modem address was essential for the retaliation scheme he conspired to, to advance continue, the specific goal of the scheme which is to end, deprive, cancel, make sure Defendant/Appellant has no money at all; concluding that Edward Sandler's felony of burglary of Defendant / Appellant modem property - crucial to further the retaliation scheme - left Defendant without money to pay the rent (or any other living expenses) – and actor for Plaintiff, Edward Sandler's illegalities cannot serve as 'just cause' for the eviction sought, and that the county court's ruling that perfects the scheme's aim for further irreparable harm of eviction is outside the frame of Florida governing laws.

On 11/21/2022 the 5th DCA returned order granting appeal as to review and affirmed the trial court's order (App. A, 1a). **The order was filed absent the due process requirement for Decisions on the Record written opinion of the decision – rendering it unappealable in appellate proceedings.** Appeal was taken to the State's highest court. Defendant appealed to Florida supreme court 11/23/2022. **Florida supreme court summarily dismissed – and dismissed with prejudice - the appeal from the 5th DCA affirmation of the county court's final judgment** in its 11/28/2022 order in: "This case is hereby dismissed. This Court lacks jurisdiction to review an unelaborated decision from a district court of appeal that is issued

without opinion or explanation or that merely cites to an authority that is not a case pending review in, or reversed or quashed by, this Court. ... No motion for rehearing or reinstatement will be entertained by the Court." (App. C, 3a-3a cont.).

On 11/28/2022 Defendant entered a motion to the 5th DCA for the Written Opinion. The motion was denied 12/01/2022. Invoking the supreme court's original jurisdiction Defendant on 12/01/2022 subsequently petitioned for writ of mandamus to the 5th DCA panel court for the requisite Written Opinion where there is no other recourse at law to allow due process of law to appeal the 5th DCA's currently unappealable order without a Written Opinion.

The petition spoke further to the appeal from the absurdity of the 5th DCA's affirmation of a trial court's judgment that essentially sustains Plaintiff's *Fla. Stat. § 768.72 (2)(a)* illegalities of the intentional tort of this case defined in the statute as the, '"Intentional misconduct" [in] actual knowledge of the wrongfulness of the conduct and the high probability that injury or damage to the [victim] would result and, despite that knowledge, intentionally pursued that course of conduct, resulting in injury or damage.'

The State supreme court 12/01/2022 order returned, "Petitioner's "Petition for Emergent Mandamus to Stay judgment Invoking the Court's Original Jurisdiction" and "Petition for Emergent Mandamus Invoking the Court's Original Jurisdiction" are hereby denied as moot." (App. E, 5a)

Petitioner on 12/04/2022 moved for Reinstatement of the petition for writ of mandamus to the 5th DCA for the written opinion and for emergent stay of trial court's writ for possession order. The argument reasoned, "Whereas the denial to give Written Opinion renders the 5th DCA panel court's affirmation of the trial court's judgment unappealable, Petitioner [comes under Florida

Appellate courts provision], "The supreme court may issue writs of prohibition to courts and all writs necessary to the complete exercise of its jurisdiction" Florida Appellate Courts Rule 9.030(3), of Rule 9.100 that gives clear legal right to, and the appropriateness of, issuance of the petitioned writ of mandamus to the 5th DCA panel court." [Stressing to the supreme court that] "[T]his principle of law gives the right to this writ necessary to complete the exercise of its jurisdiction to take an appeal from the 5th DCA. Under 9.100 "governing the original jurisdiction the final judgment from the Fifth DCA on direct appeal would lie in the supreme court". *Burnsed v. Seaboard Coastline R.R., 290 So. 2*d 13 (Fla. 1974) ... [Further] "The Emergent Motion to Stay is urgent and necessary for the 5th DCA's 11/21/2022 UNAPPEALABLE rendered ORDER. The 5th DCA, in addition to denying Written Opinion for its otherwise unappealable ruling for the trial court's writ of possession judgment, further denied Appellant-Petitioner's motion to Stay execution of the judgment. A final 24-hour notice for execution was posted on Petitioner's door 11/30/2022 Petitioner urgently moved for Stay of execution – the case being on appeal for Written Opinion of affirmation of trial court's order. The 5th DCA denied both Stay and Written Opinion for appeal to the Supreme Court, 12/01/2022. Petitioner's move for Writ of Mandamus to the 5th DCA for the Written Opinion and For Emergent Stay of execution were dismissed by the supreme court Clerk in clear violations of due process laws and provisions for Florida's Appellate courts proceedings, [or so Defendant argued]. WHEREFORE, [Defendant] re-petitions the Court for EMERGENT STAY of execution of the trial court's writ of possession. This Emergent Order is requested pending the Court's deliberation on writ of mandamus to the 5th DCA panel court for the Written Opinion necessary to complete the exercise of the Court's jurisdiction to take the appeal from the 5th DCA's ruling affirming the trial court's judgment."

On 12/05/2022, the Florida final court of appeals ended all efforts to appeal from the trial court's *Fla. Stat. sec. 83.60(2)* eviction order in its order stating, "Petitioner's Motion to Reinstate Petition for Emergent Mandamus to Stay Judgment Invoking the Court's Original Jurisdiction filed with this Court on December 2, 2022, and Petitioner's Emergent Motion to Stay Judgment Pending Outcome of Deliberation of Reinstatement Pleadings for Writ of Mandamus to the Fifth District Court of Appeals for Written Opinion Coming Under the Court's Original Jurisdiction Rule 9.030(3) filed with this Court on December 5, 2022, are hereby stricken as unauthorized. PLEASE BE ADVISED THAT THE ABOVE STYLED CASE IS FINAL IN THIS COURT AND NO FURTHER PLEADINGS MAY BE FILED. ANY FURTHER FILINGS WILL NOT BE RESPONDED TO AND PLACED IN A MISCELLANEOUS FILE." (App. F, 6a - 6a cont.)

These orders are each one without opinion. However, **Florida's supreme court on 12/06/2022 in a telephone conversation with a deputy clerk of the court explained that the case's summary dismissal on 11/28/2022 for want of the written opinion is final and that it is quite routine for Florida district courts of appeals to render orders without written opinion without which "[one] can't get through the door of this [supreme] court"; the court deputy clerk further gave that it is quite routine for the Florida district courts of appeals to deny motion for the requisite written opinion; moreover, that the case is dismissed in the supreme court, a petition for writ of mandamus is unavailing for a case the Florida supreme court that has been already dismissed.**

In a Related move Defendant pursued Stay of writ of possession order in the State's executive branch, namely the Governor's office. It was not granted citing possible trespass of separation of

powers. The order was executed on 12/06/2022 at 12:30pm.

REASONS FOR GRANTING WRIT OF CERTIORARI TO FLORIDA'S FIFTH DISTRICT COURT OF APPEALS

I. The Court's Review is Sought for the Singular Importance of Bringing the State of Florida Appellate Court System into Conformity with Foundational Federal and State Constitutional Due Process Laws.

The Petition accords with Rule 10 (c) of the Court where in this matter the Florida appellate court system and applicable standards for writ of possession judgments are at variance with the U.S. Constitution Fourteenth Amendment where Florida courts routinely apply a State statute **that inherently deprives the Constitution's due process equal protection under the law in 'waiving'/inherently abridging defendant's right to be heard before dispossessing the defendant of vital property interests, namely** defendant's place of residence. In applying this statute, that is, *Fla. Stat. § 83.60 (2)* that gives, 'the failure of the tenant to pay rent into the Registry of the Court constitutes an absolute waiver of the tenant's defenses other than payment, and entitles the landlord to an immediate default without further notice or hearing thereon' *Florida trial courts render final dispossess judgments without hearing the defense, the State's district court of appeals routinely render unappealable affirmation of the lower courts final dispossess judgment against the defendant, whereupon the State's final court of appeals, Florida supreme court, routinely dismisses the defense – with prejudice.*

The Constitution states only one command twice, the *Fifth Amendment's* dictum to the federal government "no one shall be "deprived of life, liberty or property without due process of law" and again in the *Fourteenth Amendment's* ratification in the Due Process Clause, describing the legal obligation of all the States of the union: "No State shall make or enforce any law which

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." These words have the central guarantee that all levels of American government must operate within the law ("legality") and provide fair procedures. [citation omitted]

The State of Florida has incorporated these rights into the State constitution at Section 9 on Due Process: "No person shall be deprived of life, liberty or property without due process of law." However, in this matter before the Court, the Petition is constituted in clear and convincing evidence that the State of Florida court system denied Defendant/Petitioner due process of law in its application of an inherently unconstitutional rendering of partial text of *Fla. Stat. sec. 83.60 (2)* inadequate to allow the Constitutional guarantee of due process for the defense to heard in defenses other than payment of rent in eviction proceedings.

In this matter, Defendant's inability to pay rent or anything into Court Registry came under related statute *Fla. Stat. sec. 83.64 (2)* allowing for evidence of landlord retaliation conduct as defense - *and importantly landlord actor illegalities in this retaliation caused the inability to pay the rent or put money into the Court Registry in an eviction action.* Defendant was denied the due process of law to be heard before the deprivation of the vital property interest of a residence. In this case where actor for landlord/Plaintiff's illegalities in a retaliation scheme caused Defendant's inability to pay the rent or money into the Court Registry upon the ensuing eviction action, *Fla. Stat. sec. 83.60 (2)* demand for payment into the registry is a law abridging due process privileges and a demand of defendant that automatically violates the Constitution's equal protection in court proceedings *Fla. Stat. § 83.60 (2)* - applied in this case rested on the statute's

partial text reading, "In an action by the landlord for possession of a dwelling unit, if the tenant interposes any defense other than payment, ... the tenant shall pay into the registry of the court the accrued rent as alleged in the complaint or as determined by the court and the rent that accrues during the pendency of the proceeding, when due. ... Failure of the tenant to pay the rent into the registry of the court ... constitutes an absolute waiver of the tenant's defenses other than payment, and the landlord is entitled to an immediate default judgment for removal of the tenant with a writ of possession..."

The trial court entered judgment for Plaintiff/landlord to the denial of *Fla. Stat § 83.60 (2019)* at (1) (a). Defenses to action for rent or possession; procedure.— *Fla. Stat § 83.60 (2019) (1)(a)* gives: "In an action by the landlord for possession of a dwelling unit based upon nonpayment of rent or in an action by the landlord under s. 83.55 seeking to recover unpaid rent, **the tenant may defend upon the ground of a material noncompliance with s. 83.51(1), or may raise any other defense, whether legal or equitable, that he or she may have, including the defense of retaliatory conduct in accordance with *s. 83.64. ...*"**

Petitioner's substantiated defense under *Fla. Stat. sec. 83.64* was decidedly not heard in the trial court. (App. G, 7a - 35a) in violation of the *Constitution's Fourteenth Amendment* provisions, "[S]ome form of hearing is required before an individual is finally deprived of a property [or liberty] interest." *Mathews v. Eldridge* 424 U.S. 319, 333 (1976). "Parties whose rights are to be affected are entitled to be heard." *Baldwin v. Hale,* 68 U.S. (1 Wall.) 223, 233 (1863).

This right is a "basic aspect of the duty of government to follow a fair process of decision

making when it acts to deprive a person of his possessions. The opportunity to be heard "must be granted at a meaningful time and in a meaningful manner." *Armstrong v. Manzo,* 380 U.S. 545, 552 (1965). (Further citation omitted.)

This unconstitutionality at trial was further compounded in this case by the clear evidence of the weighty business before the Court that Florida's Appellate courts appeal practices are of deliberate intentional denial of due process of law in appealing judgments under this statute. Specifically, the first court of appeals, the State's district courts of appeals affirm the trial courts final judgment for writ of possession against defending tenant in unappealable rendered orders. The DCAs orders are filed without the due process requirement for written opinion in Decisions on the Record, upon which Florida's final court of appeals, the State supreme court, denies any attempt to appeal in dismissing – with prejudice – process to appeal the district courts of appeals decisions on the record *intentionally* rendered without the required written opinion.

Defendant - Petitioner's appeal for de novo review to Florida's 5th DCA (Case. No.:22-2629) was granted as to review but denied the due process requirement for *Decisions on the Record* that gives: "[T]he [court's] conclusion . . . must rest solely on the legal rules and evidence adduced at the [presumed/required] hearing. To demonstrate compliance with this elementary requirement, the [court] should state the reasons for the determination and indicate the [legal rules and] evidence relied on. In court proceedings this is called the (Written) Opinion of the facts and conclusions of law for the court's decision. *Goldberg v. Kelly,* 397 U.S. 254, 271 (1970) (Further citations omitted)

The 5th DCA subsequently denied Defendant's motion for the requisite written opinion evincing the courts deliberate, willful, intentional, denial of the due process of law that would make its decisions / judgments subject to appeal.

The 5th DCA 11/21/2022 Decision on the Record, the appeals court's order affirming the trial court's writ of possession judgment was without the due process of law requisite Written Opinion; it was also rendered without State associated requirement of a Rental Termination Notice. Fla. Stat. 83. 60(2) application calls for a Rental Termination Notice in a Florida eviction case, Florida Supreme Court Ruling *Ferry-Morse Seed Co. vs. Hitchcok, 426 S.2d 958, 961 (Fla. 1983).* The provision gives, ***i)*** In order for a landlord to maintain an action for tenant eviction for non-payment of rent, the landlord must first give a three-day notice that complies with the statutory requirements of section 83.56 (3) of the Florida Statues, **and *ii)*** Second properly terminate a tenant's rental agreement prior to filing a complaint for eviction, *Florida Statute § 83.56 (3).* If the landlord gives the statutorily required three-day notice, **and** properly terminates the rental agreement, Prior to filing the eviction action, then if the tenant raises any defense other than payment, only then the tenant must post the rent into the Court Registry or the landlord is entitled to a default judgment pursuant to section 83.60 (2) of the Florida Statues. *Park Plaza Associates Ltd. vs Glenn D. Paraday and Deborah A. Paraday, Case No. 99-05843 COWE (81) [6 Fla. L. Weekly Supp. 730c] decided by the Honorable Jane Fishman on August 20, 1999.* Writ of possession judgment may not be awarded Plaintiff in defense other than payment of rent under *Fla. Stat. § 83. 60 (2)* where the required Rental Termination Notice is missing from the Record. *Vance Lee, Plaintiff vs. Robert Partone, Defendant.* "Due to the fatally defective Three-day Notice, and Plaintiff's failure to terminate the rental agreement, prior to filing the complaint

for tenant eviction, an essential element of Plaintiff's cause of action cause was missing, and there was no requirement for Defendant to pay rent into the Court Registry." (Internet source, on Florida's Landlord/Tenant Laws, Fla. Stat. 83.60, wordpress.com). For the record, this Defendant received NO Rental Termination Notice from Plaintiff at any time before or after commencement of the dispossess action.

Defendant/Petitioner's appeal to the State's supreme court from this order was summarily dismissed for lack of jurisdiction to hear an appeal from an order without written opinion from the lower deciding court. The State supreme court's order rendered 11/28/2022 denied *with prejudice* Defendant's appeal to the State's final court of appeal. The order reads, "This case is hereby dismissed. This Court lacks jurisdiction to review an unelaborated decision from a district court of appeal that is issued without opinion or explanation or that merely cites to an authority that is not a case pending review in, or reversed or quashed by, this Court. ... Concluding the order with the prejudicial statement, "No motion for rehearing or reinstatement will be entertained by the Court." *And Florida's final court of appeals sustained that dismissal with prejudice in flagrant deprivation of fundamental Constitutional provisions in legal proceedings of due process of law rights / guarantees up to and until execution of the dispossess judgment.*

This national Supreme Court has resolutely held to "minimum [procedural] requirements [are] a matter of federal law, and these due process laws are not diminished by the fact that the State may have specified its own procedures that it may deem adequate for determining the preconditions to adverse action." In this case, Florida courts appellate procedures are inadequate, violating as they do the Constitution/ Federal laws for due process of law in application *Fla. Stat.sec.83.60 (2)* abridged relegation as sole condition for defense other than

payment of rent against eviction - 'payment of rent into the court registry' effecting the *deprivation of the vital property interest of residence as direct function of the State's arbitrary partial text application of this State statute regulating defenses in dispossess proceedings – without hearing the defense – even where the related State statute, Fla. Stat. sec. 83.64 (2) grant such a defense - and by rendering unappealable judgments from the trial courts unconstitutional judgment in the further unconstitutional practice of systemic denial of due process.*

See Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532 (1985) stating, "The principle that under the Due Process Clause an individual must be given an opportunity for a hearing *before* he is deprived of any significant property interest."

Petitioner's defense under *Fla. Stat. § 83.64 (2)* provision of retaliation (which retaliation – as intended – systematically depleted Defendant's savings by virtue of thwarting all attempts to secure an income and ended therefore the ability to pay the rent (App. G, 7a -35a)), as defense in an eviction proceeding was not heard at trial, nor did the higher courts of appeals, the 5th DCA and the State's highest court, the State supreme court "entertain" the legal allowance of this defense in Florida courts systemic denial of the Constitution's due process rights.

Defendant/Petitioner's 11/28/2022 Motion to the 5th DCA for the Written Opinion on the order affirming the trial court's writ of possession order was denied 12/01/2022 - also without comment / 'unelaborated' substantiating herein the court's deliberate purposefulness intent to prevent the due process of appeal. Defendant/Petitioner per force pursued writ of mandamus to the DCA 3 panel court from the supreme court. This too was denied 12/01/2022, as a 'moot' filing from the defense. The order reads, "Petitioner's "Petition for Emergent Mandamus to Stay

judgment Invoking the Court's Original Jurisdiction" and "Petition for Emergent Mandamus Invoking the Court's Original Jurisdiction" are hereby denied as moot." (App. E, 5a)

Petitioner's subsequent direct application to the State supreme court's Chief Justice for Reinstatement of the case whereas it has been rendered 'unappealable' by virtue of the denied Written Opinion from the 5th DCA returned the supreme court's emphatic resolve to deny due process of law in: "Petitioner's Motion to Reinstate Petition for Emergent Mandamus to Stay Judgment Invoking the Court's Original Jurisdiction filed with this Court on December 2, 2022, and Petitioner's Emergent Motion to Stay Judgment Pending Outcome of Deliberation of Reinstatement Pleadings for Writ of Mandamus to the Fifth District Court of Appeals for Written Opinion Coming Under the Court's Original Jurisdiction Rule 9.030(3) filed with this Court on December 5, 2022, are hereby stricken as unauthorized. PLEASE BE ADVISED THAT THE ABOVE STYLED CASE IS FINAL IN THIS COURT AND NO FURTHER PLEADINGS MAY BE FILED. ANY FURTHER FILINGS WILL NOT BE RESPONDED TO AND PLACED IN A MISCELLANEOUS FILE." (App. F, 6a – 6a cont.)

This order was rendered 12/05/2022, the writ of possession judgment was executed the following day, 12/06/2022 at 12:30pm where just a couple hours prior a deputy clerk the State supreme court gave Petitioner to understand that it is 'routine / normally done' the practice in the Florida appellate courts to render unappealable judgments. The deputy clerk of court volunteered, "it happens all the time'' that the (Fla.) district courts of appeals do not provide a Written Opinion with their orders and to be sure, "[one] cannot get through the door of this Court (the Fla. Supreme Court) without it''. Petitioner's 12/05/2022 filings for Reinstatement were 'not docketed' by the court.

II. Deprivation of Rights

Petitioner has incurred the substantial injury of deprivation of the vital property interest of a residence secondary Florida's violations of the Constitution's Fourteenth Amendment. The preventable irreparable harm to Defendant of an eviction, resulting from agent for landlord/Plaintiff egregious violations Florida statutes, was directly caused by the State's due process rights denials.

The Florida courts application of Fla. Stat. § 83.60 (2) for dispossess of defendant's residence property interests, deprives defendant of adequate procedures at law, first in abridging the text of the statute for unequal arbitrary application to favor landlord/Plaintiff, and then routinely abusing standard for appellate proceedings under the Constitution aimed at preventing defendant from appealing the dispossess judgment. In this case the State of Florida/ the State's court system itself acts to deny State laws for defense, namely this case's *Fla. Stat. § 83.64 (2),* and acts also to deprive due process of law provisions for appeals from final dispossess judgments. See *Pena v. Mattox,* 84 F.3d 894 (7th Cir. 1996) for adequate measures of law by the State. The principle established in *Pena* is that if the State is itself taking action to prevent use of the State remedies, then adequate State remedies are not available. Id at 898.

The question of adequate procedures is determined by law and that Constitutional law, not State law. The nation's Supreme Court teaches that the issue of what procedures are required (to guard against deprivation of property) is a matter of United States Constitutional law. *Cleveland Board of Education v. Loudermill,* 470 U.S. 532, 541 (1985) stating, "[t]he right to due process 'is conferred, not by legislative grace, but by Constitutional guarantee'".

WHEREFORE, that this case evidences Florida court's insupportable conduct of willful intentional deprivation of the Constitution's due process guarantees with reckless indifference to the harm sustained by Defendant in the face this deprivation, Defendant/Petitioner asks for the exemplary damage award of $180, 000 calculated from the punitive award sought at trial for actor for Plaintiff theft of Defendant's IP address and other related violations of Florida Residential landlord/tenant statutes that proximately caused the substantial harm of loss of money for all living expenses. During proceedings Petitioner requested $15, 000 – the maximum award allowed in Florida County courts. At treble damages times 4 (see, *State Farm Mutual Ins. Co. v. Campbell,* 538 U.S. 408, 425 (2003) for relevance), this yields damages now sought from the State of Florida to be **$180.000.**

CONCLUSION AND PARYER

That the final judgment that dispossessed Defendant- Petitioner of the vital property interest of residence was rendered unappealable in the Florida Fifth District Court of Appeals and the further appeal in Florida's supreme court was denied review – in fact dismissed with prejudice – these court decisions following from the trial court's unconstitutional application of *Fla. Stat. sec. 83.60 (2),* specifically, due process deprivation in not hearing the defense under State provision *Fla. Stat. sec. 83.64 (2)* and in defiance of State requirements for Rental Termination Notice, and the adequacy *Fla. Stat sec. 83.60 (2),* the validity of its application is drawn in question on Constitutional deprivation grounds of due process in depriving Defendant of vital property interest of residence, and that appellate procedures from this judgment in Florida's

appellate court system continues this unconstitutionality in the routine practice of intentional deprivation of due process rights, this matter is of national importance and the Petition for Writ of Certiorari to the Florida Fifth District Court of Appeals should be Granted.

Respectfully submitted,
ZOE AJJAHNON, ***PRO SE*** PETITIONER

By: _____
ZOE AJJAHNON, *Pro Se* PETITIONER
110 Chestnut Ridge Road,
Montvale, NJ 07645
Ph.: 850-518-2739; Email: zoeloip@outlook.com

DATED: January 3rd 2023