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ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

JAN 13 2023

OFFICE OF THE CLERK

EDWARD R. BROWN — PETITIONER
(Your Name)

vs.

THE STATE OF FLORIDA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

THE FLORIDA SUPREME COURT OF FLORIDA
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

EDWARD BEVENOUS BROWN
(Your Name)

6901 State Road 62
(Address)

Bowling Green, FL 33834
(City, State, Zip Code)

(863) 767-4500
(Phone Number)

QUESTION(S) PRESENTED

- (1) Does A Trial Judge ABuses its descretion when it fails to Properly Rule on A Properly filed Postconviction motion in which A motion gets denied as A record rather than the actual ground of the Single claim...
- (2) Does A Trial Judge ABuses its descretion when it denies A Petitioner's Postconviction motion without allowing the Petitioner atleast one OPPortunity to amend to it Because the Petitioner failed to State A claim on which relief can Be granted...
- (3) Does an allege issueing Judge Error in failing to not Verify and affirm the signature on the arrest warrant Used as an certified document requiring A court Seal, committing Judge Signature and date...
- (4) Did the authorities of the State of Florida or South Carolina violate the Petitioner's united States 4th amendment illegal Searches and Seizures Constitutional rights By arresting and detaining the Petitioner On A Blank arrest warrant...
- (5) Did the Florida Supreme court Justices abuse its descretion when it denied the Petitioner's Brief On Jurisdiction, and failed to review the Petitioner's State and federal Constitutional Violation claim...

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:

RELATED CASES

STATE V. BOYD, 717 SO.2d 524 (Fla. 1998)...

D'AGOSTINO V. STATE, 310 SO.2d 12 (Fla. 1975)...

De Lancy V. CITY OF MIAMI, 43 SO.2d 856 (Fla. 1950)...

COOPER V. STATE, 106 Fla. 254; 143 SO.2d 17 (Fla. 1932)...

DUBBS V. LEHMAN, 100 Fla. 799; 130 SO. 36 (Fla. 1930)...

MORGAN V. STATE, 757 SO.2d 618 (Fla. 2nd DCA 2000)...

BOYD V. STATE, 699 SO.2d 295 (Fla. 1st DCA 1997)...

STATE V. TOIMIE, 421 SO.2d 1087 (Fla. 4th DCA 1982)...

STATE V. MCMANUS, 404 SO.2d 757 (Fla. 4th DCA 1981)...

LEVISON V. STATE, 138 SO.2d 361 (Fla. 3rd DCA 1962)...

BROWN V. STATE, 317 SO.3d 165 (Fla. 3rd DCA 2021)...

HOFFMAN V. STATE, 729 SO.2d 421 (Fla. 1st DCA 1999)...

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- APPENDIX B : States response to defendants amended motion Pursuant to Fla. crim. P. 3.850(m).
- APPENDIX C : Courts order denying defendants motion for Post-conviction relief.
- APPENDIX D : Petitioners Petition for writ of Certiorari.
- APPENDIX E : Written Opinion and mandate filed By the Appeals court.
- APPENDIX F : Order from the Florida Supreme court denying Petition for review.

TABLE OF AUTHORITIES CITED

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix E to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the THIRD DISTRICT APPEALS court appears at Appendix E to the petition and is

- ☒ reported at Brown v. State, 317 So. 3d 165 (Fla 2021); or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was 11/28/2022.
A copy of that decision appears at Appendix F.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitutional Amendment (4):

The right of the People to Be secure in their Persons, houses, Papers, and effects against unreasonable searches and seizures, shall not Be Violated, and no warrant shall issue, But UPON PROBABLE cause, Supported By oath or affirmation, and Particularly describing the Place to Be Searched, and the Persons or things to Be seized.

Constitutionals of The State of Florida, Article (1) Section (12):

The right of the People to Be secure in their Persons, houses, Papers and effects against unreasonable searches and seizures, and against the unreasonable interception of Private communications By any means, shall not Be Violated. no warrant shall Be issued except UPON PROBABLE cause, supported By affidavit, Particularly describing the Place or Places to Be Searched, the Person or Persons, thing or things to Be seized, the communication to Be intercepted, and the nature of evidence to Be obtained. This right shall Be construed in conformity with the 4th Amendment to the United States constitution, as interpreted By the United States Supreme court. Articles or information obtained in violation of this right shall not Be admissible in evidence if such Articles or information would Be inadmissible under decisions of the United States Supreme court construing the 4th Amendment to the United States constitution.

Florida Statute Section 933.04:

The right of the People to Be secure in their Persons, houses, Papers and effects against unreasonable searches and seizures shall not Be Violated and no search warrant shall Be issued except upon PROBABLE cause, supported By oath or affirmation Particularly describing the Place to Be Searched and thing to Be seized.

Florida Statute Section 933.05:

A search warrant cannot Be issued except UPON PROBABLE cause supported By affidavit or affidavits, naming or describing the Person, Place, or thing to Be Searched and Particularly describing the Property or thing to Be seized; no search warrant shall Be issued in Blank, and any such warrant shall Be returned within 10 days after issuance thereof.

STATEMENT OF THE CASE

On January 10th, 2014 A detective By the name of JosePh Garcia for the Homestead Police Department responded to the MiAMi-Dade State Attorneys office to Obtain an Arrest warrant for the Petitioners Arrest and Detainment in which the warrant was entered into the system. the Arrest warrant was issued for the Petitioner's Arrest for the Eleventh Judicial circuit court of Florida in and for MiAMi-Dade county in which the Original warrant was entered and faxed to the Authorities of the state of South carolina to Arrest and Detainment the Petitioner. On January 17th, 2014 the Petitioner was Arrested By Authorities and detained in A South carolina Jail facility for an extent of twenty days Before Extradited Back TO the State of Florida for the charged offenses. On September 19th, 2016 the Petitioner Proceeded to trial and was found guilty of the offenses charged in which the Petitioner was sentenced to A concurrent life Sentence. On october 27th, 2019 the Petitioner filed A freedom of Information Act Request to the Courts of South carolina. Chief magistrate were the Petitioner was Arrested and Detained requesting for A copy of the original Arrest warrant that was faxed to their Authorities for Arresting and Detaining the Petitioner. On November 13th, 2019 the Petitioner received A copy of the original Arrest warrant that was faxed to the Authorities of the state of South carolina, in which Upon receiving the original warrant By the Authorities of South carolina. the warrant from the Eleventh Judicial circuit court in and for MiAMi-Dade county court was not Signed By A committing Judge, it was not Dated, as well as it was not Signed By A Deputy clerk of courts, or Stamped with A court seal for certification, verification, nor Affirmation.

REASONS FOR GRANTING THE PETITION

The reason for granting the Petition is (1), A United States courts of APPEALS has entered A decision in conflict with the decision of another united states court of APPEALS on the same important matter; has decided an important federal question in A way that conflicts with A decision By the State court of last result; or has so far departed from the accepted and usual course of Judicial Proceedings, or sanctioned such A departure By A lower court, as to call for an exercise of this court's supervisory Power; (2), A state court of last resort has decided an important federal question in A way that conflicts with the decision of another state court of last resort or of A united states court of APPEALS; (3), A state court or A united states courts of APPEALS has decided an important question of federal law that has not Been, But Should Be, settled By this court, or has decided an important federal question in A way that conflicts with relevant decisions of the Supreme court of the united states. see; united states Supreme court Rule 10(a)(b)(c), as Authority.

In this legal matter of Justice, the decisions of the courts of florida are in conflict with long standing decisions and Precedents of the united states Supreme court regarding illegal searches and seizures. further, this case Presents an important question of law that has not Yet Been decided By the united states Supreme court. finally, AS Asserted in Hanna-Mack v. Bank of America, N.A., 218 So. 3d 971, 973 (Fla. 3d DCA 2017) "Every court has inherent Powers to do all things that are reasonable necessary for the Administration of Justice within the scope of its Jurisdiction". in which Proper Jurisdiction of the united states Supreme court has Been invoked under 28 U.S.C. section 1257(a). as well as Asserted in Jamason v. State, 447 So. 2d 892, 895 (Fla. 4th DCA 1983) "If it appears to A court of competent Jurisdiction that A man is Being illegally restrained of his liberty, it is the responsibility of that court to Brush aside formal technicalities and issue such appropriate orders as will do Just Justice".

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



EB.

Date: 1 / 13th / 2023

6.
