



22-6639

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IN THE

SUPREME COURT OF THE UNITED STATES

DeAndre M. Ross — PETITIONER
(Your Name)

vs.
SECRETARY, FLORIDA
DEPARTMENT OF CORRECTIONS — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

DeAndre M. Ross
(Your Name)

110 McLEURA DRIVE
(Address)

Crawfordville, FL 32321-4963
(City, State, Zip Code)

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SUPREME COURT, U.S.

QUESTION(S) PRESENTED

1). WHETHER NORTHERN DISTRICT OF FLORIDA, VIOLATED DUE PROCESS BY FAILING TO REMAND FOR AN EVIDENTIARY HEARING, WHERE THE STANDARD WAS MEET AS TO STRICKLAND V. WASHINGTON, 466 U.S. 668, 690, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984) WHEREAS, TRIAL COUNSEL, FAILED TO OBJECT AND MOVE MOTION TO DISMISS ON STAND-YOUR-GROUND, FAILED TO REQUEST THE NECESSITY JURY INSTRUCTION, AND MISADVISED PETITIONER ABOUT HIS RIGHT TO TESTIFY, AND FAILED TO ADVISE ABOUT PUNISHMENT OF MINIMUM MANDATORY FOR GUILTY VERDICT ON DISCHARGING A FIREARM, AND FAIL TO USE CO-DEFENDANT'S TESTIMONY DURING TRIAL THAT WOULD HAVE PROVEN TO CORROBORATE PETITIONER'S TESTIMONY DURING AND FINALLY THE CUMULATIVE EFFECT OF SO MANY CONSTITUTIONAL DEPRIVATION OF PETITIONER'S SIXTH AMENDMENT RIGHT TO COMPETENT COUNSEL VIOLATE DUE PROCESS TO A FAIR TRIAL. AND A NEW TRIAL WAS WARRANTED AFTER REVIEW. WHEREAS, ABSENT TRIAL COURTS EVIDENTIARY TESTIMONY, PETITIONER'S CLAIMS ARE NOT CONCLUSIVELY REJECTED BY THE RECORD, ON THE FEDERAL EVIDENTIARY STAND POINT. AS THE U.S. DISTRICT COURT OF FLORIDA RULINGS ON THE MERITS WAS OBJECTIVELY UNREASONABLE, AND FAILED TO REBUT THE PRESUMPTION OF THEIR CORRECTNESS BY CLEAR AND CONVINCING EVIDENCE PARKER V. HEAD, 244 F.3d 831, 835 (11th Cir. 2001). WHERE COUNSEL FAILED THE TEST OF FEDERAL HOLDINGS IN ATKINS V. SINGLETARY, 965 F.2d 952, 960 (11th Cir. 1992). AND WHETHER THE PETITIONER HAS FAILED TO DEVELOP THE FACTUAL BASIS OF A CLAIM OF INEFFECTIVENESS OF HIS COUNSEL, FOR THE UNDEVELOPED RECORD IN STATE COURT. WILLIAMS V. TAYLOR, 529 U.S. 420, 432. IF A PRISONER/PETITIONER IS AT FAULT A FEDERAL COURT MAY HOLD AN EVIDENTIARY HEARING ON THE CLAIM. AND WHETHER DURING A FEDERAL EVIDENTIARY HEARING, PETITIONER WOULD HAVE SHOW THAT FURTHER FACTFINDING WOULD DEMONSTRATE, BY CLEAR AND CONVINCING EVIDENCE, THAT HE IS INNOCENT OF THE CRIME CHARGED AS REQUIRED.

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:

Ricky Dixon, SECRETARY Florida DEPARTMENT OF CORRECTIONS
Ashely Moody, ATTORNEY GENERAL, FOR STATE OF FLORIDA

RELATED CASES

THE PETITIONER HAS A PENDING APPEAL FROM A SECOND FILED MOTION FOR POST CONVICTION RELIEF PURSUANT TO RULE 3.850 CASE NO.: 2013-CF-00618 PENDING BEFORE THE FIRST DISTRICT COURT OF APPEAL STATE OF FLORIDA CASE NO.: 1D22-2414. AS WELL AS A PENDING WRIT OF HABEAS CORPUS PURSUANT TO RULE 9.100 AND 9.030 BEFORE THE FIRST DISTRICT COURT OF APPEAL STATE OF FLORIDA CASE NO.: 1D22-2862 ATTACKING THE JUDGMENT AND SENTENCE BEFORE THIS COURT.

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	(1)

STATUTES AND RULES

2254

OTHER

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 7 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 A 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 _____ 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 _____ 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.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was July 21, 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: _____, 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). Rule 14.1(e.)(i)

THE DATE THE JUDGEMENT OR ORDER SOUTHT TO BE REVIEWED WAS ENTERED, RECEIVED NOVEMBER 23, 2022. PETITION WAS RETURNED

For cases from **state courts**:

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.

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

The Sixth and Fourteenth Amendment Rights of the U.S. Constitution and the Statutory Provisions of Rule 2254 and 20428 USCA

STATEMENT OF THE CASE

The Petitioner in this case filed a motion for PostConviction Relief Pursuant To Rule 3.850 on September 18, 2017, alleging seven grounds after an evidentiary hearing. All claim were denied on May 11, 2018. following a timely notice of appeal, Petitioner subsequently filed an petition for writ of habeas corpus alleging ineffective assistance of appellate counsel pursuant to Rule 9.1410, Case No. 1D18-4092 Filed September 25, 2018. That was subsequently denied on the merit 10/21/2020, Rehearing filed and denied on December 1, 2020. Subsequently Petitioner filed his appeal from the denial of his motion for PostConviction Relief 3.850 to the First District Court of Appeal Case No. 1D18-2255 DENIED September 5, 2019. Mandate issued September 26, 2019.

Thereafter, Petitioner filed his initial petition 2254 to the United State District Court Northern District of Florida on February 5, 2021 that was finalized denial on May 11, 2022 comes now the petition for writ of certiorari filed in good faith.

REASONS FOR GRANTING THE PETITION

The Petitioner Prays This Honorable Court grant Review of This Petition, Whereas, the Petitioner Conviction was obtain in Violation of The UNITED STATES Constitution. As Such AN Evidentiary Hearing in Federal Jurisdiction is warranted in This Case.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Debbie Ross

Date: 11.14.22