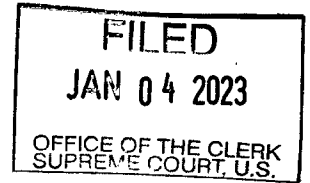


22-6652

No. _____

ORIGINAL

THE
SUPREME COURT OF THE UNITED STATES



In Re: Walter Drummond, Petitioner

THE FULL MIRANDA WARNING & U.S.C. 14TH AMENDMENT IN REGARDS TO;
§2254(2), §2254(c)(2) ~~11th Cir~~, AND West vs. State, 876 So.2d 614, 018 (Fla. 4TH DCA 2004)

On Petition for Writ of Habeas Corpus
to: "The Supreme Court, a Justice thereof" (Per §2254(2))

PETITION FOR WRIT OF HABEAS CORPUS

Walter Drummond - Petitioner
vs.

Ricky D. Dixon, Secretary, Florida Department of Corrections,
BROWARD COUNTY, Florida, and

Attorney General MOODY

- Respondents.

Pro Se Walter Drummond
M33531

Florida SP- Inmate Legal Mail
P.O. Box 800
Raiford, FL. 32083

QUESTION PRESENTED

1. There is COURT RECORD that in between the time of 2001 (WEST & WEISS arrest year), please See to West v. State of Florida, 876 So. 2d 614 (Fla. 4TH DCA 2004) & THE STATE OF FLORIDA v. Weiss, 935 So. 2d 110 (Fla. 4TH DCA 2006) and 2004 (YOUR HONOR, COULD YOU SO DEARLY SEE TO THE ROBERTS Overturn (i.e. the first Overturn) / JUNE 16, 2004) in case year @ Roberts v. State, 874 So. 2d 1225 (Fla. 4TH DCA 2004) the Respondent was using a preprinted inadequate Constitutional Miranda Rights form that did not advise of the RIGHT to have a lawyer during questioning or the RIGHT to stop the interrogation at any time questioning "(WEST @ OVERVIEW; & ROBERTS @ OVERVIEW:). These cases were OVERTURNED due to the incomplete, in reign, Miranda advise form USED BY the Respondent, and, in one instance, a motion was GRANTED for Vacate of previous order when it used "Roberts v. State, 874 So. 2d 1225, 1226 (Fla. 4TH DCA 2004)" (please See STATE (WEISS) at 115). Accordingly to the 14TH U.S. Constitutional Amendment; shouldn't the State of Florida be obligated to Keep equal the privileges & protection GRANTED at the SAME TIME OF THIS UNLAWFUL FORMS EXISTENCE?

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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 subject of this petition is as follows:

RELATED

CASES

1. Roberts, Jr., GORMAN, Appellant v. State of Florida, Appellee
 COURT OF APPEAL OF FLORIDA, FOURTH DISTRICT
 874 So. 2d 1225874 So. 2d 1225; 2004 Fla. App. LEXIS
 74972004 Fla. App. LEXIS 7497; 29 Fla. L. Weekly D
 126529 Fla. L. Weekly D 1265
 CASE NO. 4002-4490 L.T. Case No. 02-004214 CF10A
 May 26, 2004, Opinion Filed June 16, 2004 Decided

2. West, NMEKA, Appellant v. State of Florida, Appellee
 COURT OF APPEAL OF FLORIDA, FOURTH DISTRICT
 876 So. 2d 614876 So. 2d 614; 2004 Fla. App. LEXIS
 83622004 Fla. App. LEXIS 8362; 29 Fla. L. Weekly D
 14429 Fla. L. Weekly D 1444
 CASE NO. 4003-2027 L.T. Case No. 01-4118 CF10A
 June 16, 2004, Opinion Filed June 16, 2004 Decided

3. State of Florida, Appellant v. Weiss, AIMEE LEE, Appellee
 COURT OF APPEAL OF FLORIDA, FOURTH DISTRICT
 935 So. 110935 So. 2d 110; 2006 Fla. App. LEXIS
 132392006 Fla. App. LEXIS 13239; 31 Fla. L. Weekly
 D 211531 Fla. L. Weekly D 2115
 CASE NO. 4004-3002 L.T. Case No. 01-6917 CF10A
 August 9, 2002, Decided

The Petitioners' lower tribunal case number:

Drummond, Walter L.T. Case No. 02-004343 CF10A

4. PRESIDENT V. STATE
 884 So. 2d 126
 (Fla 4th DCA 2004)
 CASE NO. 4002-3858 L.T. Case No. 02-4769-CF10B

5. FRANKLIN V. STATE

876 So. 2d 607
 1 Fla 4th DCA 2004
 CASE NO. 4003-741
 LT. Case No. 01-20804 CF10A

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF HABEAS CORPUS

Petitioner respectfully prays that a writ of habeas corpus issue to review the judgment below

OPINIONS BELOW

☒ For cases from state courts:

The opinion of Supreme Court Justice Breyer to "review" appears at
West v. State, 876 So.2d 614, 618 and is quoted in THIS WRITS
JURISDICTION AND STATEMENT OF EXTRAORDINARY WRIT OF HABEAS CORPUS PER RULES 20.1,
20.2, & 20.4(a) ("Rule 14, as required by Rule 20.2")

JURISDICTION

The Jurisdiction of THIS COURT is invoked under § 2254(2) and THE HONORABLE U.S.S.C JUSTICE Breyer due to the Petitioners cause/case being a prime example, in all essence, to his purport being the cause/case involved.

This Matter has been found in all due diligence by the Petitioner. His cause/case involves a "timeless warning" that is a "absolute requirement". (the lack of it, PLEASE SEE TO Chambers v. United States, 391 F.2d 455, 456 (5th Cir 1968) and MIRANDA v. Arizona, 86 S Ct 1602, 16 L Ed 2d 694, 699 384 US 436) is violation of the Fifth Amendment (MIRANDA at 4th pg. 695).

So says Supreme Court Justice Breyer at West (876 So.2d 618) "And because the police apparently read the warnings from a standard-issue card, I write to make this point explicit. That is to say, if the problem purportedly present here proves to be a recurring one, I believe that it may well warrant this Court's attention."

This heretoforth unlawful card was in reign in the Petitioners' Arresting County at the same time as his Arrest.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

CONSTITUTIONAL

1. U.S.C.A 5s' Provision "No Person shall be deprived life, liberty, or property, without due process of law."
2. U.S.C.A 6s' Provision "to have the assistance of counsel for his defense."
3. U.S.C.A 14s' Provisions "No state shall make or enforce any law which shall abridge the privileges or immunities of the 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."

STATUTORY

4. § 2254(a) Provision "The Supreme Court, a Justice thereof . . . shall entertain an writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States."
5. § 2254(d) Provision "An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that was adjudicated on the merits in State court proceedings unless the adjudication of the claim -
 - (1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or
 - (2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.
6. § 2254(e)(1) Provision "applicant shall have the burden of rebutting the presumption of correctness by clear and convincing evidence."
7. § 2254(e)(2) Provision "not to hold an evidentiary hearing on the claim unless the applicant shows that -
 - (A) the claim relies on -
 - (i) a factual predicate that could not have been previously discovered through the exercise of due diligence; and
 - (ii) the facts underlying the claim would be sufficient to establish by clear and convincing evidence that but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense."
 - (B) the facts underlying the claim would be sufficient to establish by clear and convincing evidence that but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense."
8. § 2254(f) Provision "If the applicant, because of indigency or other reason is unable to produce such part of the record, then the State shall produce such part of the record and the Federal court shall direct the State to do so by order directed to an appropriate State official."
9. § 2254(h) Provision "In all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel for an applicant who is or becomes financially unable to afford counsel, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18."

STATEMENT OF EXTRAORDINARY WRIT OF HABEAS CORPUS PER RULES 20.1, 20.2, & 20.4 (a)

According to Rule 20.1 procedure on a Petition for an Extraordinary Writ to justify the GRANT of this heretoforth Writ the Petitioner will RESPECTFULLY like to show ACCORDINGLY Per 28 U.S.C § 1651(a); In all means of JUSTICE, THIS will be in aid to the Court's appellate jurisdiction, as the MATTER, as in SO SUPREME RULED: MIRANDA vs. Arizona, VIGNERA vs. New York, WESTOVER vs. U.S, & State of California vs STEWART and their Law Enforcement faulty advises (PLEASE SEE MIRANDA at pgs. 695-96 & pgs. 697-700 & West vs. State of Florida, 876 So. 2d 614, Roberts vs. State, 874 So. 2d 1229, STATE vs Weiss, 935 So. 2d 110, President vs STATE, 884 So. 2d 1261, and Franklin v. STATE, 876 So. 2d 607, by due diligence of calculating the L.T case No, which shows their Arrest Year ^{14th} Record of the First Overturn, 85, SO COURT RULED AND "STATE concedes" (WEISS @ 112) SHOWS, Clear Evidence that the Respondent was, at time, using a faulty form that excluded these heretoforth required Constitutional RIGHTS (PLEASE SEE OVERVIEW 'S'). BY exceptional circumstance, as already suspected in WEST at {876 So. 2d 618} where as it stipulates by Justice Breyer: "If the problem (the standard issue at the time 2001-2004 unlawful Warning card saying **nothing** about the lawyers presence during interrogation) (or WEST @ 614) present here proves to be a recurring one, I believe that it may well warrant this Court's attention (referring to THIS HONORABLE AND SUPREME COURT)".

As proven, the time the unlawful form was in fact in use by the Respondent was inbetween the same time as the Petitioner was Arrested '02/convicted '03, as result making him a Victim of not being fully Constitutionally Warned Properly also as these 3 cases.

Per 14TH Amendment (U.S.C.A) whereas it stipulates that "No State shall make or enforce any law which will abridge the privileges of citizens. . . . When THIS UNLAWFUL CARD was later discovered, regardless, the Petitioners' case should've been adhered to also, in all "equal protection of the laws" (PLEASE SEE U.S.C. 14TH Amendment, Sec. 1).

Adequate relief cannot be obtained in any other form or from any other court as, THIS HONORARY SUPREME COURT, as they did so in MIRANDA needs for in ROBERTS to, in all essence, RESPECTFULLY REVIEW not just the matter of select cases, as, just only doing that is of the Equality Clause of the Fourteenth Amendment, but, see how a miss carriage of justice occurred when not properly putting the OVERALL PROCEDURE; i.e Broward County Miranda form 2001-2004 in Judgment as the ²¹⁰ miss advised, so the cause, as in MIRANDA, DRUMMOND vs FLORIDA 2001-2004 Constitutional Violations.

FOOTNOTE The Petitioner seeks the HIGHER COURT REVIEW, in THIS HONORABLE SUPREME COURT. 3.

* Right to counsel during interrogation
Right to cease in interrogation at any time

STATEMENT OF EXTRAORDINARY WRIT OF HABEAS CORPUS Per Rules 20.1, 20.2, & 20.4

Additional Attach Pg. 1

The Petitioner would appreciate, him being an indigent with a "Jailhouse G.E.D.", per §2254(h), appointed counsel, as, per §2254(e)(2)(A)(i), for Evidentiary Hearing; these cases ROBERTS, WEST, FRANKLIN, PRESIDENT & STATE (WEISS) are "a needle in a haystack" (I found the other), and, due diligence is (Black's Law Dictionary) - "The diligence reasonably expected from, and ordinarily exercised by, a person who seeks to satisfy a legal requirement or to discharge an obligation," the support of the claim and discover of ROBERTS wasn't a simple task. It took the diligence of the Petitioner to discover the claim, as, nowhere was this/these cases highlighted for open review, but, this in fact lawlessness and miscarriage of justice surfaced, and, through COURT FIND and STATE CONCEDE, the Petitioner sees that, by the time frame and "Inadequate Miranda Card" ROBERTS^{@1226} used by the Respondents PRESIDENT@127 as their "Standard" WEST@ "OVERVIEW" on 6/14 in between 2001-2004, his case is apart being misadvised by the Respondent, who is known for being unlawfully "swift in misadvising people their RIGHTS" PLEASE SO SEE ALSO; BROWN vs. CROSBY, 249 F. Supp 2d 1285; 1285, a '93 case, (S.D Fla 2003): "Writ of Habeas Corpus GRANTED" - RIGHTFULLY RELEASED. And per §2254(e)(2)(B), to better explain; this instant is a Procedural Due Process Violation. With this incomplete "inadequate" STATE (WEISS)@119, "deficient" FRANKLIN@608 form not advising the "Absolute Required" Miranda@699;

* Right to have counsel present during questioning

* Right to stop the interrogation at any time during questioning

THE PETITIONER NEVER KNEW OF THESE RIGHTS.

and in this Violation being deprived "life, liberty, and property, without due process of Law" which are Violations of the 5th and 14th Amendment of THE UNITED STATES OF AMERICA, the Petitioner deserves IMMEDIATE RELEASE, or, at least per the Law, due process, and equity clause PLEASE SEE U.S.C.A 14 Sec.1 of the 14th Amendment, the same OVERTURN as the Related Cases as, through time line, he has suffered the same misadvice.

Per §2254(f), the Petitioner, an indigent, RESPECTFULLY REQUESTS for "STATE EVIDENCE."

THANK YOU

REASONS FOR GRANTING THE PETITION

Per U.S. Constitutional Amendment 14 when the enforce of the law, revise, or better yet, include of the "Absolute Requirement" to the previous incomplete, inadequate, & OVERALL UNLAWFULL PARTIAL ADVISE of Constitutional Miranda Warnings. All instances that occurred in betweenxt COURT RECORD 2001-2004 by the Respondent should've been GRANTED the same i.e. "equal protection of the laws" those select Cases. This happened in OUR CAUSES ALSO, as this same standard unlawful card was in use unbeknownest, but, later discovered and AJUDGED UNLAWFULL.

ACCORDINGLY and BYLAW the tending to the select 3 and not the entire inbetweenxt 2001-2004 is an example of "abridge of privileges" and by 14TH Amendment Right needs to be fixed.

* And as stipulated in MIRANDA this cant be substituted by assumming "he is aware of this RIGHT" without a warning given" (X pg. 699)

RELIEF REQUESTED

In the accordance of § 2254(e)(2)(B) if wasn't for this error of not fully advising the Petitioner would be free today so BYRIGHT, the Petitioner asks for removal of this error and **RELEASE**.

THANK YOU

UNDER PENALTIES FOR PERJURY by signature below, the Petitioner assures everything in this hereforth Writ is **TRUE** and **CORRECT**.

A handwritten signature in black ink, appearing to read 'Walter Drummond', written over a horizontal line.

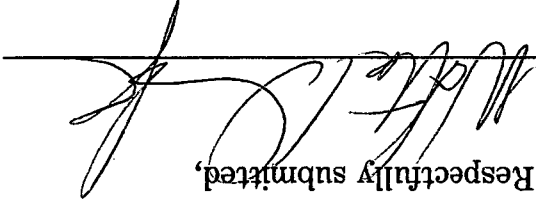
Walter Drummond

Walter Drummond
M33531
Florida SP - Inmate Legal Mail
P.O. Box 800
Raiford, FL 32083

CONCLUSION

The petition for a writ of Habeas Corpus should be granted.

Respectfully submitted,



Date: 12/21/22