

22-6754

No. _____

ORIGINAL

FILED

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

In Re Walter Drummond — PETITIONER
(Your Name)

ON PETITION FOR A WRIT OF HABEAS CORPUS

to Per §2254(a) "The Supreme Court," a Justice thereof "

PETITION FOR WRIT OF HABEAS CORPUS

Walter Drummond

(Your Name)

#M33531

Florida SP - Inmate Legal Mail

P.O. Box 800

(Address)

Raiford, FL 32083

(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

1. Why is a Constitutional Procedure bar to an overall arrest being ignored?

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:

4TH DCA
Brown, Timothy
California (State)
Crosby, James V.
Florida (STATE)
Franklin, Myron
Miranda, Ernesto
President, Johnny
Roberts, JR, Gorman
Stewart, Roy Allen
Vignera, Michael
Weiss, AIMEE LEE

West, Nneka
Westover, Carl Calvin

RELATED CASES

MIRANDA v. ARIZONA, 86 S.Ct 1602, 16 LEd 694, 384 US 436 (1966)
Vignera v New York
Westover v United States
State of California v Stewart

Brown v. Crosby, 249 F. Supp. 2d 1285 (S.D. Fla. 2003)
West v. STATE (Fla), 876 So. 2d 614 (Fla 4TH DCA 2004)
President v. STATE (Fla), 884 So. 2d 126 (Fla. 4TH DCA 2004)
Roberts, JR. v STATE (Fla), 874 So. 2d 1225 (Fla 4TH DCA 2004)
STATE (Fla.) v. WEST, PRESIDENT, & Roberts, JR, 892 So. 2d 1014 (Fla. 2005)
Franklin v. STATE (Fla.), 876 So. 2d 607 (Fla 4TH DCA 2004)
STATE (Fla) v Weiss, 935 So. 2d 110 (Fla 4TH DCA 2006)

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APPENDIX C	PRESIDENT v. STATE (Fla.), 884 So.2d 126 (Fla. 4TH DCA 2004)
APPENDIX D	WEST v. STATE (Fla.), 876 So.2d 614 (Fla. 4TH DCA 2004)
APPENDIX E	STATE (Fla.) v. WEISS, 935 So.2d 110 (Fla. 4TH DCA 2006)
APPENDIX F	ROBERTS, JR. v. STATE (Fla.), 874 So.2d 1225 (Fla. 4TH DCA 2004)
APPENDIX G	FRANKLIN v. STATE (Fla.), 876 So.2d 667 (Fla. 4TH DCA 2004)
APPENDIX H	CANETE v. STATE (Fla.), 921 So.2d 687 (Fla. 4TH DCA 2006)

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<i>Miranda v. Arizona</i> , 386 S.Ct., 16 Fed 2d 694, 384 US 434	
<i>Brown v. Crosby</i> , 249 F.Supp 2d 1285 (S.D. Fla 2003)	
<i>Haynes v. Washington</i> , 373 US 503, 10 Fed 2d 513, 83 S.Ct 1836	
<i>Edwards v. Arizona</i> , 161 S.Ct 1886, 68 Fed 2d 378, 451 US 477 (1981)	
<i>Murray v. Carrier</i> , 106 S.Ct 2639, 91 Fed 2d 397, 477 US 478 (1986)	

STATUTES AND RULES

§ 2254(a)
 § 2254(b)(1)(A)
 § 2254(b)(1)(B)(i) & (ii)
 § 2254(d)(1) & (2)
 § 2254(e)(1)
 § 2254(e)(2)(A)(ii) & (B)
 § 2254(f) & (g)
 § 2254(h)

Rule 20.1
 Rule 20.2
 Rule 20.4(B)

OTHER

U.S.C.A. 5
 U.S.C.A. 6
 U.S.C.A. 14
 FL Const Art 1 Sec 9

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF HABEAS CORPUS

Petitioner respectfully prays that a writ of habeas corpus issue.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix I 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 _____ 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 11/29/22.

☒ 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 _____.
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

U.S.C.A 5 Constitutional provision not to be compelled in any criminal case to be a witness against himself nor be deprived life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation

U.S.C.A 6 Constitutional provision that in all criminal prosecutions to have the Assistance of Counsel for his defence

U.S.C.A 14 Constitutional provision of no abridges or privileges, nor immunities. Equal protection and due process

§ 2254(a) provision that The Supreme Court, a Justice thereof shall entertain an application for writ of habeas corpus in behalf of a person in custody pursuant to the judgement 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.

§ 2254 (d) 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 -

(i) resulted in a decision that was contrary to clearly established Federal Law as determined by the Supreme Court of the United States

§ 2254 (e)(2) If the applicant has failed to develop the factual basis of a claim in State court proceedings, the court shall not hold an evidentiary hearing on the claim unless the applicant shows that -

(A) the claim relies on -

(i) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable

(ii) a factual predicate that could not have been previously discovered through the exercise of due diligence; and

(B) the facts underlying the claim would be sufficient to establish by clear and convincing evidence that but for constitutional error, no reasonable fact finder would have found the applicant guilty of the underlying offense

§ 2254 (f) if an indigent State shall produce part of record needed

§ 2254 (h) appointment of counsel if indigent governed by section 3006A of title 18

STATEMENT OF THE CASE
& RULE 20.4(A) STATEMENT

The Petitioner has Newly Discovered Evidence - "a new rule of Constitutional Law that

was previously unavailable", i.e., these cases being overturn due to the Respondents' at time
supply of an inadequate/standard/Printed Miranda Rights form (PLEASE SEE APPENDIX F, Roberts, Jr.
v. STATE (FL), 874 So.2d 1225, 1226, 2004 WL 2004, APPENDIX D, West v. STATE (FL), 876
So.2d 614, 618 OPINION/PREDICTION BY US SUPREME COURT JUSTICE BREYER, a '01 case (FL 4th DCA 2004),
APPENDIX C, President v. STATE, 884 So.2d 126, 127, a '02 case (FL 4th DCA 2004), APPENDIX E, Franklin
v. STATE (Wia), 876 So.2d 607, 608, a '01 case (FL 4th DCA 2004), and APPENDIX F, STATE v. Weiss,
935 So.2d 110, 112, a '01 case (FL 4th DCA 2004) with the Respondents' "concede" to the fact
of the, at time, 2001-2004 misadvising people their Constitutional Rights. The Respondents
are known for being "very swift" in misadvising people the same two Rights (So confirms BROWN
v. GROSSBY, 249 F. SUPP. 2D 1285, OVERVIEW @ 1285 (S.D. FLA 2003)); * the RIGHT to Counsel during interrogation
* the RIGHT to cease interrogation at any time,

RIGHTS THAT THE PETITIONER JUST BECAME OF KNOWLEDGE OF

The Respondents are regulars performing forms of trickery by evidence of THIS standard/Inadequately
deficient card that was, at time, in reign, for the Respondents use, as they entitled it, naming
it After them (PLEASE SEE PRESIDENT v. STATE (FL) 884 So.2d 126, 127 (FL 4th DCA 2004) deeming these
all same issue Miranda warnings Legally insufficient that came from the Respondent at the time
2001-2004.)

The Petitioner, as other cases, was infected by this sly Procedure so deviously and lawlessly
performed by the Respondents and, as caused, he was violated his Procedure process clauses
of the 5th, 6th & 14th United States Constitutional Amendments. The Petitioner was
never properly advised his RIGHTS with this Respondent plot "inadequate" card. The Petitioner
has, in violation of 14th Amendment, see, been treated in abridge as the others received privileges
and he was not given his equal protection of the laws.

Per §2254(a) the Petitioner files this because he is currently, in custody in
violation of the Constitution or laws or treaties of the United States.

Per Rule 20.4(A) "reasons for not making application to the district court of the district
in which the applicant is held" by reason of COA prejudice and ridicule

REASONS FOR GRANTING THE PETITION

1. The exceptional circumstances shown in both presentations, as their strives warrant the exercise of the COURTS discretionary powers, in all legitimates and ACCORDANCE to Procedural & Constitutional Law.
2. The newly discovered evidence satisfies the Jones II test
3. As the others, the Petitioner was violated when not properly, and instead "Swift" misadvised his RIGHTS.
4. In all equities, the Petitioner deserves at least the same, per 14TH Amendment, as the others that were also infected by the Respondent.
5. not Granting THIS WRIT will be prejudice and a miscarriage of justice.
6. Per Brown v. Crosby, 249 F.Supp. 2d 1265 (S.D. Fla. 2003) the Petitioner deserves such for the Respondents "Swift" ways
7. In all logic to SUPREME COURT JUSTICE BREYERS considerate Prediction
8. to at least call an evidentiary hearing on the matter per § 2254(e)(2), § 2254(e)(2)(A)(i) or (ii) & (B), with § 2254(h) appointment of counsel as the Petitioner is in need of assistance in his legitimate cause per sec. 3006A of title 18

(COMES NOW, the Petitioner, pro se, in all/pursuance authorized by 28 U.S.C. § 1651(a), hereto understands that "the discretion is sparingly exercised" and for Rule 20. Procedure on a Petition for an Extraordinary Writ TO THIS HONORABLE AND SUPREME COURT; "To justify the granting of any such writ, he so shows that THIS WRIT will be in aid the Court's appellate jurisdiction, through the exceptional circumstances: As so by reason and relation for the OVERTURNS of the ATTACHED, APPENDIX A - H;

- APPENDIX A Florida v Franklin, 125 SCT 890, 160 LED 20 825, 543 US 1081 (2005)
- APPENDIX B STATE (FLA.) VS WEST, PRESIDENT & ROBERTS, JR., 892 SO. 2D 1014 (FLA. 2005)
- APPENDIX C PRESIDENT V. STATE (FLA.), 884 SO. 2D 126, 2002 CASE, (FLA. 4TH DCA 2004)
- APPENDIX D WEST V. STATE (FLA.), 876 SO. 2D 614, 2001 SUPREME COURT JUSTICE BREWER OPINIONED @ 618 CASE. (FLA. 4TH DCA 2004)
- APPENDIX E STATE (FLA.) V. WEISS, 935 SO. 2D 110, 2001 CASE, (FLA. 4TH DCA 2006)
- APPENDIX F ROBERTS, JR. V. STATE (FLA.), 874 SO. 2D 1225, 2002 CASE (FLA. 4TH DCA 2004)
- APPENDIX G FRANKLIN V. STATE (FLA.), 876 SO. 2D 607, 2001 CASE (FLA. 4TH DCA 2004)
- APPENDIX H (CANETE V. STATE (FLA.), 921 SO. 2D 687, NOT THE RESPONDENTS, PALMBACH COUNTY, PLEASE SEE 689 1 FLA. 4TH DCA 2006)

APPENDIX'S A-G, the Respondents, known for being "swift" in misadvising people their Constitutional RIGHTS in various ways of preying on the weaker-minded by trickery (PLEASE SEE BROWN VS. CROSBY, 249 F. SUPP. 2D 1285, OVERVIEW § 1285 (S.D. FLA. 2003))

"Thus, the totality of circumstances established that petitioners waiver was not knowing and intelligent". And, at the same time of the Petitioners Arrest, the Respondents, had a "standard"/"inadequate" COURT RECORD of a Miranda form that they used, named after them, (PLEASE SEE APPENDIX G FRANKLIN V. STATE, 876 SO. 2D 607, 2001 CASE (FLA. 4TH DCA 2004)) & PRESIDENT V. STATE, 884 SO. 2D 126, 2002 CASE (FLA. 4TH DCA 2004) that improperly/improcedurally left out the advisement of RIGHT to counsel during interrogation and RIGHT to cease interrogation at any time.

From 2001 - 2004 (the Petitioners Arrested by THIS CAUSE in 2002, 2001, being the most recent case involving this "same inadequacy" (PLEASE SEE WEST V. STATE, APPENDIX D, 876

50. 2d 614 (11th Cir. 2004) and 2004, being the first discovery of this fault / violation of due process by (COURT RECORD) (PLEASE EXAMINE ROBERTS V. STATE, 874

50. 2d 1225, 1226, as though, it concentrates on only one, it actually omits both that the respondents are repeatedly omitted, as in, BROWN V. CROSSBY, 249 R. Supp. 2d 1285; OVERVIEW & 1285 (S.D. Fla. 2003) * RIGHT to cross interrogation at any time. Also, PLEASE NOTE the respondents, "concede", admit (PLEASE SEE STATE V. WEISS, 935 So. 2d 110, 112, APPENDIX E (Fla. 4th DCA 2006)) to their UNCONSTITUTIONALITY/FAISHEHOOD and APPENDIX C, PRESIDENT V. STATE, 884 So. 2d 120, 127, "preprinted form the respondents provides to its officers. (Fla. 4th DCA 2004). Also, the COURT ADMITTING "same issue" (PLEASE SEE TO APPENDIX C, PRESIDENT V. STATE (Fla.), 884 So. 2d 120-127 (Fla. 4th DCA 2004) in concern with this same time frame; 2001-2004, that this form, in all of its unlawfulness, was in reign for the respondents, and, THE HONORABLE SUPREME COURT (U.S.) JUSTICE BREYERS, thorough predicting, due to this time clash and same card issue with the respondents (PLEASE RENEW 4TH DCA 2004) - OF AN EVENTUAL UNITED STATES SUPREME COURT HEARING TO RESOLVE THIS MATTER, ... THIS PETITION/CASE/CAUSE BEING TODAY

NOW, per Rule 20.1, and, as in, MIRANDA V. ARIZONA, 86 SCT 1602, 16 LED 2D 694, 384 US 436 (1966), and the other cases to "No. 759" Miranda vs State of Arizona, No. 700 Michael Vignera vs. STATE of New York

No. 761 Carl Calvin Westover vs UNITED STATES & No. 584 The STATE of California vs. Roy Allan Stewart

A CASE, whereas 5 members of THE UNITED STATES SUPREME COURT "laid down governing principles and a constitutional prerequisite, due to the exceptional circumstances where as adequate relief could not be obtained in any form or from any other court, the petitioner in THIS HEREFORTH CAUSE, due to this same-like exceptional circumstances, as explained through ACCORDANCE OF CONSENT to Rule 20. Procedure on a Petition for an Extraordinary Writ 1, and, the enclosed APPENDIX, has

so diligently completed task, RESPECTFULLY, FOR PRESENTATION TO THIS HEREFORTH HONORABLE UNITED STATES SUPREME COURT, FOR AGAIN, A JUSTICE - FULL REMEDY TO THIS CURRENT/ PREVIOUS MISARRANGE OF JUSTICE AND VIOLATION OF THE PROCEDURAL DUE PROCESS CLAUSES OF THE 5TH, 6TH & 14TH UNITED STATES CONSTITUTIONAL AMENDMENTS, BYRIGHTED, IN ALL EQUITY, TO EACH AND EVERY

(CITIZEN OF THE UNITED STATES OF AMERICA (PLEASE SEE U.S.C.A. 14, Sec. 1)

Per Rule 20.4(a) and as prescribed per last paragraph of 28 U.S.C. § 2242, "the reasons for not making application to the district court of the district in which the applicant is held" is because THIS CAUSE OF NEWLY DISCOVERED EVIDENCE, i.e. Per § 2244 (b)(3)(A) was ridiculed and prejudicially mishandled by the COA over the district court in which the Applicant is held - The 11th Cir COA in Atlanta, Georgia, whereas the unconstitutional

ally blamed technicalities instead of 50 ORDERING ACCORDED LAW AND JUSTICE,

Also, for § 2244(b)(2)(B)(i), the factual predicate for the claim could not have been discovered previously through the exercise of due diligence/procedural and constitutional timeless warning, as so described in APPENDIX F @ 1227. ROBERTS, J., STATE (F-3), 8TH Cir. 2014, 1225 (11th Cir. 2014) and SO BEING A "ABSOLUTE REQUIREMENT" BY THIS HONORARY UNITED STATES SUPREME COURT FOR PRINCIPLE LAW STIPULATING specifically at MIRANDA v ARIZONA, 384 U.S. 436, 1966. Criminal Law § 46.3 - right to counsel - necessity of warning accorded. "The absolute requirement of informing a person held for interrogation by a law enforcement officer of his right to counsel with a lawyer and to have the lawyer with him during interrogation cannot be met by any amount of circumstantial evidence that he may have been aware of this right." in summary discovered evidence;

IN THIS BYLAW ACTUALITY and also accordance to § 2244(b)(2)(A) it speaks of "New rules of constitutional law", and via, the Post Petitioner Arrest new rule of constitutional law is the new rule of enforcement of the constitutional Warnings over the previous "standard/inadequate" "very swift" Respondents (PLEASEE, BROWN entitled and named after the habitual, "very swift" HABEAS CORPUS PETITION (GRANTED) known in misadvising rights to counsel during interrogation and rights to cease interrogation at any time. (PLEASE COMPARE THE MISADVISEMENT OF BROWN to "the inadequate" of the present cause of Newy. Discovered evidence to violation of the Petitioners' Due Process Clause so EXPOUND THROUGHOUT THE ENTIRE

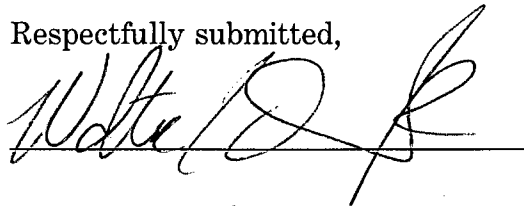
APPENDIX 1 and RIGHTFULLY REPRIMAND THE RESPONDENTS FOR THEIR VIOLATION OF LAW AND, BY LAW, RELEASE THE PETITIONER AS PER § 2254(a). "he is in custody in violation of the Constitution" i.e. violations of the equity clause of the 14th U.S.C. because he was never likewise relieved, as others inflicted by the Respondent and their very swift "Miranda Warnings form card that misadvised of rights, until just recently, UNKNOWN TO THE PETITIONERS Thus including, also violations of the DUE PROCESS CLAUSES OF 5TH, 6TH, 7TH & 14TH U.S. Constitutional Amendment.

(CONSIDERING THE EXCEPTIONAL CIRCUMSTANCES, SO CLEARLY EXPLAINED IN THIS WRIT, THE PETITIONER NOW SUBMITS THIS HERETOBY EXTRAORDINARY WRIT, AS SUCH, WITH THE JURISDICTION SO SUPPORTED BY RULE 20.1, AS THIS UNVEILED FAULT BY THE RESPONDENTS AND PREDICTION, BEFORE, BY THE HONORABLE UNITED STATES SUPREME COURT JUSTICE BREYER, TO THIS, OVERALL, GREAT, RESPECTFULLY AND JUSTFULLY JUSTICE FULL UNITED STATES SUPREME COURT.

CONCLUSION

The petition for a writ of habeas corpus should be granted.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Walter D. R.", is written over a horizontal line.

Date: 4/1/23