

THE UNITED STATES SUPREME COURT
1 FIRST STREET N.E.
WASHINGTON, D.C. 20543

22-6806

TORREY DEWAYNE WALKER
VS.

Provided To: Moore Haven C.F.

FEB 07 2023

For Mailing 74/

THE UNITED STATES OF AMERICA,
11TH CIRCUIT COURT OF APPEALS E.I., AL

PETITION FOR A WRIT OF HABEAS CORPUS, UNDER
THE RULES OF THE UNITED STATES SUPREME COURT
RULE TEN, AND FOURTEEN ETC....

ORIGINAL

Supreme Court, U.S.
FILED

FEB 07 2023

OFFICE OF THE CLERK

COVER SHEET

TO:

THE UNITED STATES COURT
11TH CIRCUIT COURT OF APPEALS
56 FORTYTH ST. N.W.
ATLANTA, GEORGIA 30303

THE UNITED STATES COURT
MADIE DISTRICT COURT
2110 FIRST STREET
FT. MYERS, FLORIDA 33901

THE ATTORNEY GENERAL OFFICE
3507 EAST FRONTAGE RD SUITE 200
TAMPA, FLORIDA 33607

U.S. DEPT. OF JUSTICE
SOLICITOR GENERAL
WASHINGTON DC 20530-0001

FROM:

Torrey Dwayne Walker
DCA# Y11735 / CI-202
M.H.C.F.
POST OFFICE BOX 719001
MOORE HAVEN, FLORIDA 33471

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U.S. Supreme Court Rule 14 (1A)

THE QUESTIONS PRESENTED, FOR REVIEW, EXPRESSED
CONCISELY, IN RELATION TO THE CASE:

1. DOES THIS COURT, HAVE JURISDICTION, TO GRANT
CERTIORARI, WHEN THERES A CONFLICT BETWEEN
DECISIONS OF STATE, AND (OR) FEDERAL COURTS OF
DIFFERENT CIRCUIT, CONFLICTS OF OPINION & AUTHORITY
BETWEEN, COURTS OF APPEALS. > 205 U.S. 292, 27
S. Ct 543, 51 L. ED 807 (1907); 340 U.S. 498,
71 S. Ct 453, 95 L. ED 479.

2. DOES THIS COURT, HAVE THE POWER TO REVIEW
AND OVERTURN, ON THE MERITS, THE DECISIONS OF
THE UNITED STATES, MIDDLE DISTRICT, FT. MYERS FLORIDA,
AND THE UNITED STATES, 11TH CIRCUIT COURT OF APPEALS
ATLANTA, GEORGIA, JUDGMENTS, HAVING COMMITTED
PERJURY, UNDER U.S.C. 18 § 1623 (A) ETC.... ALL
CONTRARY, TO THE FACTS & POINTS OF LAW, UNDER
U.S.C. 28 § 2254 (E2B), IVE PRESENTED TO THEM,
ON THE FACE OF THE RECORD.

*

NOTE: THE UNITED STATES CODES / STATUTES, ARE E.I.S.,
CONSIDERED TO BE, LAWS OF ^{THE} UNITED STATES, UNDER THE
CONSTITUTIONAL PROVISION, "ARTICLE II SEC. 2", OF THE
U.S. CONST., WHICH, UNDER RULE 14 (1A), IS APPLICABLE,
406 U.S. 320, 92 Ct 1562, 32 L. ED: THIS COURT HAS 2 of 25
JURISDICTION, UNDER, 28 § 1254 (1), DENIALS OF CERTIFICATE
OF APPEALABILITY. > MOHN 524 U.S. 236, 141 L. ED 20
242, 118 S. Ct 1969 ETC....

U.S. SUPREME COURT RULE 14 (1B1)

THIS IS A LIST, OF ALL PARTIES, TO THE PROCEEDING,
IN THE COURTS, WHOSE JUDGMENT, I SEEK TO BE
REVIEWED:

1. THE UNITED STATES, MIDDLE DISTRICT COURT
OF FT. MYERS, FLORIDA, "LEE COUNTY".

2. THE UNITED STATES, 11TH CIRCUIT COURT OF
APPEALS, ATLANTA GEORGIA.

U.S SUPREME COURT Rule 14 (1 B 2)

THIS IS A CORPORATE DISCLOSURE STATEMENT AS
REQUIRED BY RULE 29.6:

I MYSELF, AM NOT A CORPORATE, LESS OWN ANYTHING,
(OR) HAVE ASSETS, PROPERTY *NOTHING. I NO,
NOTHING, OF THE OPPOSING PARTIES, WORTH OR
GAINS, ONLY WHOM IS A PARTY.

1. THE U.S 11TH CIRCUIT COURT OF APPEALS
2. THE U.S MIDDLE DIST. FT. MYERS FLORIDA
3. THE ATTORNEY GENERAL OFFICE TAMPA FLORIDA

* HOWEVER, DATED ON, 5-6-2022, THERE WAS FILED
A CERTIFICATE OF INTERESTED PARTIES, AND A
CORPORATE DISCLOSURE STATEMENT, BY THE ASSISTANT
ATTORNEY GENERAL'S OFFICE, TAMPA FLORIDA, PLEASE
SEE THE ATTACHED (3 PG.) INFORMATION / APPENDIX.

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U.S. SUPREME COURT RULE 14 (1B3)

THIS IS A LIST OF ALL PROCEEDINGS, IN STATE, AND FEDERAL, DOCKET #ER, AND DATE OF JUDGMENT:

1. THE 20TH JUDICIAL CIRCUIT COURT, 13-CF-018166, 7-16-2014 FINAL DISPOSITION: 3.850, 9-30-2016, ORDER DENYING MOTION FOR POST CONVICTION RELIEF: 3.800, 3-1-2018, ORDER DENYING MOTION FOR POST CONVICTION.

2. THE 2ND DISTRICT COURT OF APPEALS, 2D16-5182, 8-18-2017, ORDER DENYING 3.850 APPEAL: 18-231, 2-13-2018, ORDER DENYING 18-231.

3. FLORIDA SUPREME COURT, SC18-1556,

4. UNITED STATES, MIDDLE DISTRICT OF FLORIDA, 2:19-CV-00190-SPC-MAM, 8-9-21, ORDER DENYING HABEAS CORPUS: 7-27-2022, DENIAL OF A CERTIFICATE OF APPEALABILITY, REGARDING, RULE 59 MOTION.

5. UNITED STATES, 11TH CIRCUIT COURT OF APPEALS, 22-10193, 11-18-2022, ORDER DENYING APPLICATION FOR A CERTIFICATE OF APPEALABILITY: 12-27-2022, ORDER, DENYING, MOTION FOR RECONSIDERATION.

CONTINUE → 5 of 25

IN CONTINUANCE, RULE 14 (1B3) SUPREME CT.

6. UNITED STATES, 11TH CIRCUIT COURT OF APPEALS, CA #22-10193, 7-19-2022, ORDER REQUIRING / REMAND BACK TO THE U.S. DIST. COURT TO CONSIDER WHETHER A COA SHOULD ISSUE, AS TO THE RULE 59(E) MOTION. "MY MOTION TO RECONSIDERATE".

7. UNITED STATES, 11TH CIRCUIT COURT OF APPEALS, CA #22-10193, 6-13-2022, ORDER GRANTING MY CONSIDERED MOTION FOR RECONSIDERATION, WAS TIMELY. APPEAL MAY PROCEED.

8. UNITED STATES, 11TH CIRCUIT COURT OF APPEALS, CASE #22-10193, 2-14-2022, ORDER REGARDING JURISDICTIONAL QUESTION ETC.....

9. UNITED STATES, 11TH CIRCUIT COURT OF APPEALS, CASE #22-10193, 1-21-2022, ELECTRONIC FILING THAT NOTICE OF APPEAL WILL BE TREATED AS A REQUEST FOR A CERTIFICATE OF APPEALABILITY, FED. R. APP. P 22(D), ETC.....

U.S Supreme Court Rule 14 (1C)

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2. SPC Rule 14(1B1), LIST OF ALL PARTIES, JUDGMENT
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3. SPC Rule 14(1B2), DISCLOSURE STATEMENT.
4. SPC Rule 14(1B3), LIST OF ALL PROCEEDINGS.
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9. SPC Rule 14(1E), BASIS FOR JURISDICTION.
10. SPC Rule 14(1G), STATEMENT OF CASE, SETTING
OUT FACTS, & MATERIAL, TO CONSIDERATION OF
QUESTIONS PRESENTED & BASIS FOR FEDERAL JURIS.
IN COURT OF FIRST INSTANCE FROM U.S CIRCUIT COURT
OF APPEALS ETC.....
11. SPC Rule 14(1H), DIRECT & A CONCISE STATEMENT
AND OR ARGUMENT, AMPLIFYING THE REASON, TO
ALLOW WRIT ETC.....

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U.S. Supreme Court Rule 14 (1C)

CITATIONS

205 U.S. 292
304 U.S. 498
524 U.S. 236
298 U.S. 238
100 U.S. 483
358 U.S. 169, 178, 179
370 U.S. 660, 435 F. Supp. 725, 733
494 U.S. 152, 158
50 U.S. 333
529 U.S. 473, 484
206 F.3D 1106, 1137
500 F.3D 1335, 1345
238 F.3D 21
270 U.S. 360
260 U.S. 194
196 U.S. 17-22
177 U.S. 310

FIA. STA.

FIA. STA.

FIA. STA.

U.S.C. 28 § 2254, (E2B)

U.S.C. 28 § 1254 (1)

U.S.C. 18 § 1623(A)

ARTICLE III SEC. 2 & 3 U.S. CONSTITUTION

14TH AMENDMENT U.S. CONSTITUTION

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U.S. SUPREME COURT RULE 14 (1D)

THE CITATIONS, OF THE OFFICIAL, AND UNOFFICIAL, REPORTS OF THE ORDERS, ENTERED, IN THE CASE BY THE COURTS:

I KNOW NOTHING, ABOUT, THE CITATIONS, OF THE OFFICIAL AND UNOFFICIAL REPORTS, OF THE ORDERS, ENTERED, IN THE CASE. IF AND WHEN NECESSARY, PLEASE CONTACT.

1. THE UNITED STATES, MIDDLE DISTRICT, FLORIDA
FIA. AT 2110 FIRST STREET, ROOM 2-194 FLORIDA
FL. 33901 : 239-461-2000 : WWW.FIND.USCOURTS.
GOV : CASE# 2:19-CV-190-FIM-38MM : DATES OF
ORDERS ENTERED * 8-09-2021, AND * 7-27-2022.

2. THE UNITED STATES, 11TH CIRCUIT COURT OF APPEALS,
ATLANTA GEORGIA AT 56 FORSYTH STREET N.W ATLANTA
GEORGIA 30303 : 404-335-6188 : WWW.CALL.USCOURTS.
GOV : DATE OF THE ORDERS ENTERED * 11-18-2022
AND 12-27-22 : CASE# 22-10193.

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U.S. SUPREME COURT RULE 14 (1E)

A CONCISE STATEMENT, OF THE BASIS, FOR JURISD. IN THIS COURT, SHOWING:

1. THE DATE OF JUDGMENT OF THE ORDERS BEING SOUGHT FOR REVIEW:

- A. U.S. MIDDLE DIST. FLORIDA *FILED 7-27-2022
- B. U.S. MIDDLE DIST. FLORIDA *FILED 8-09-2021
- C. U.S. 1ST CIRCUIT COURT OF APPEALS *FILED 11-18-2022
- D. U.S. 1ST CIRCUIT COURT OF APPEALS *FILED 12-27-2022

2. DATE OF ORDER, RESPECTING REHEARING, 12-27-2022
ORDER, DENYING MOTION TO RECONSIDERATE. (1ST CIR. R. 27-2)

3. I WILL RELY, ON A CROSS-PETITION, IF ONE IS FILED BY THE OPPOSING PARTY, AND FILE A REPLY.

4. THE STATUTORY PROVISION, BELIEVED TO CONFER, THIS COURT, JURISDICTION TO REVIEW, *SEE: 28 § 1254(1) AND (OR) HORN 524 U.S. 236, 141 F. ED. 2D 242, 118 S.Ct. 1861 OVERAULING IT'S PRIOR DECISION IN HOUSE V. MAYO, 68 DENIALS OF A CERTIFICATE OF APPEALABILITY, ARE APPLICABLE, APPEALABLE, VIA CERTIORARI.

U.S. Supreme Court Rule 14 (F)

CONSTITUTIONAL PROVISIONS, TREATIES, STATUTES AND REGULATIONS, INVOLVED, IN THE CASE, SET OUT VERBATIM, WITH APPROPRIATE CITATION:

1. THE U.S. SUPREMACY CLAUSE ART. VI SEC. 2 & 3 JUDGES IN EVERY STATE SHALL BE BOUND THEREBY ANYTHING IN THE CONST. (OR) LAWS OF ANY STATE TO THE CONTRARY NOT WITHSTANDING. → CAROL V. CAROL 298 U.S. 238, 80 L.ED. 1160, 56 S.Ct 855 (1936).
* FILED, 5-11-2022, PG (23 of 33), 11TH CIR. COURT OF APPEALS, CASE# 22-10193.

2. THIS U.S. SUPREME COURT, VOICES ITS A FUNDAMENTAL PRINCIPLE IN OUR SYSTEM OF COMPLEX NATIONAL POLICY THAT CONSTITUTIONAL LAWS & TREATIES OF THE U.S., ARE AS MUCH PART OF THE LAWS OF EVERY STATE AS ITS OWN LOCAL LAWS AND CONST. → 100 U.S. 483, 25 L.ED 628, * FILED, 5-11-2022, PG. (16 of 33) 11TH CIR. COURT OF APPEALS, CASE# 22-10193.

3. PURSUANT TO U.S.C 285.2254 (F.2.B), AN APPLICANT SHALL HAVE THE BURDEN OF REBUTTING THE PRESUMPTION OF CORRECTNESS, BY CLEAR AND CONVINCING EVIDENCE THAT WHEN THE FACTS UNDERLYING THE CLAIM IS SUFFICIENT, HABEAS CORPUS RELIEF, SHALL BE GRANTED ETC... * THIS, CONSTITUTIONAL LAW, GIVES ME THE RIGHT TO ALLEGE, STATE LAW, STATE LAW PROVISION, * FILED 12-5-22, PG (7 of 10), 11TH CIR. COA, CASE # 22-10193...

CONTINUE → 11 of 25

IN CONTINUANCE, Rule 14(F) Supreme Ct.

ALL IN JUSTIFYING, A STATE LAW, CAN BE CONSIDERED, IN CONFORMITY, WITH THE LAWS OF THE UNITED STATES, AS PROVIDED, UNDER THE SUPREMACY CLAUSE, OF THE U.S. CONSTITUTION, ART. VI SEC. 2 & 3, JUDGES IN EVERY STATE, SHALL BE BOUND THEREBY, ANYTHING IN THE CONST. (OR) LAWS OF ANY STATE, "TO THE CONTRARY, NOTWITHSTANDING."

THE LEGISLATIVE FINDINGS, AND INTENT, FIA. STAT. §10.015 (#5) (A-C), (#6) AND THE FEDERAL LAW ON THE RULE OF LENITY, ARE THE SAME. THIS U.S. SUPREME COURT, VOTES SO, 5:4, 358 U.S. 169, 178, 179 S.Ct. 209, 214 3 L.ED. 20, 199 (1958). *FILED, 5-11-2022, PG (20 of 33) & (30 of 33), 11TH CIR. COURT OF APPEAL, THE CASE # 22-10193.

4. 8TH AMENDMENT, U.S. CONST. BANS PUNISHMENTS THAT ARE EXCESSIVE IN RELATION TO THE CRIME COMMITTED. ROBINSON 370 U.S. 660 82 S.Ct. 1417, 8 L.ED. 2D 758 (1962). *FILED, 5-11-22, PG (23 of 33), 11TH CIR. COURT OF APPEAL, CASE # 22-10193.

5. 14TH AMENDMENT, U.S. CONST. APPLIES TO ALL PERSONS BORN (OR) NATURALIZED IN THE U.S. & SUBJECT TO THE JURISDICTION THERE OF ARE CITIZENS. 435 F.Supp. 725, 733 *FILED, 5-11-2022, PG (32 of 33), 11TH CIR. COURT OF APPEAL, CASE # 22-10193. 12 of 25

IN CONJUNCTION, RULE 19(F) SUPREME CT.

6. THIS UNITED STATES, SUPREME COURT VIEWS ON THE RULE OF 100, IN THE CONSTRUCTION OF A CRIM. STATUTE, UNDER, § 100, 109, 164 CONSTRUCTION (#3) IN DETERMINING THE MEANING OF A STATUTE, THIS COURT LOOKS NOT ONLY TO THE PARTICULAR STATUTORY LANGUAGE, BUT ALSO TO THE DESIGN OF THE STATUTE, AS A WHOLE, & ITS OBJECT & POLICY.

§ 188 CRIMINAL STATUTES, RULE OF 100 (HA), (HD), IT IS APPROPRIATE TO APPLY THE RULE OF 100, SO AS TO RESOLVE IN FAVOR OF THE DEFENDANT, ANY "ANY" AMBIGUITY IN THE AMBT. OF THE COVERAGE OF A CRIMINAL STATUTE > CANADAN, 494 U.S. 152, 158, 108 F.3D 132, 110 SCt 997 (1990).

THIS POLICY MEANS, THIS COURT WILL NOT INTERPRET CRIMINAL STATUTES, SO AS TO INCREASE THE PENALTY THAT IT PLACES ON AN INDIVIDUAL, WHEN SUCH AN INTERPRETATION CAN BE PLACED ON, AND MORE THAN A GUESS, AS TO WITH CONGRESS INTENDED. > ALBANY 450 U.S. 333. * FILED, FEBRUARY 2ND, 2021, PG. (11 OF 12) 1ST & 2ND PARAGRAPH, U.S. MIDDLE DISTRICT FL. MYAS, FLORIDA, CASE # 2:19-CV-190-FM-38MMW.

U.S. SUPREME COURT RULE 14 (1G)

A CONCISE STATEMENT OF THE CASE, SETTING OUT THE FACTS & MATERIAL, TO CONSIDERATION OF THE QUESTION'S PRESENTED, AND IF REVIEW IS SOUGHT OF A U.S. COURT OF APPEAL, THE BASIS FOR FEDERAL JURISDICTION, IN THE COURT OF FIRST INSTANCE:

I AM ALLEGING, THE UNITED STATE MIDDLE DISTRICT COURT FT. MYERS, FLORIDA, AND THE UNITED STATES 1ST CIRCUIT COURTS OF APPEAL, ERRORED, IN THE JUDGMENT, CONTRARY TO THE AUTHORITY OF THE ACT OF CONGRESS, OF THE LEGISLATIVE FINDINGS AND INTENT, OF THE BURGLARY STATUTE, PURSUANT TO FIA. STAT. 810.015 #5, (A-C), AND #6*, JUSTIFYING THE RULE OF CONSTRUCTION / IGNITY, PURSUANT TO, FIA. STAT. 775.021 (#1), IS THE INTERPRETATION, OF THE BURGLARY STATUTE, I AM APPEALED, CONVICTED, AND SENTENCED, PURSUANT TO, FIA. STAT. 810.02 (#3), FOR A BURGLARY OF AN UNOCCUPIED DWELLING, UNARMED.

I AM ALSO ALLEGING, THEY GAVE JUDGMENT, CONTRARY TO MY SIDE, OF THE ALLEGATIONS, OF THE RULE OF CONSTRUCTION, OF THE BURGLARY STATUTE, HOW IT APPLIES? HOW THE PROVISIONAL WORDS, THE DEFINITIONS OF WORDS, ARE TO BE, STRICTLY, CONSTRUED, * PRIMARILY, THE WORD "EXCEPTION" ^{AS A STATUTORY WORD} VS. THE WORDS "STATUTORY EXCEPTION", COMBINED. BOTH COURTS, NONE THE LESS COMMITTED PERJURY, UNDER U.S.C 18 § 1623 PC1000, CONTRADICTING MY SIDE OF THE ALLEGATIONS, AS IF I'D NOT ALLEGED, ANYTHING IN SUPPORT OF MY 8TH AND U.S. CLAIM & AND AS IF, I'D NOT EXPLAINED, HOW THE BURGLARY STATUTE, IS AMBIGUOUS UNDER THE RULE OF IGNITY PC10000

CONTINUE →

CONTINUANCE, U.S. SUPREME CT. RULE 14 (1G)

THIS WAS A FEDERAL HABEAS CORPUS PROCEEDING UNDER U.S.C 28 § 2254, UNDER, 28 § 2254 (E2B) IT ALLOWS THE PETITIONER, THE RIGHT TO ALLEGE STATE LAWS AND THERE PROVISIONS, ANYTHING WE WISH TO PROVE, TO JUSTIFY AN EXCESSIVE SENTENCE, OF AN 8TH AMENDMENT U.S CONSTITUTIONAL VIOLATION.

DATED ON, 8-9-2021, THE U.S MIDDLE DISTRICT COURT, FT. MYERS, FLORIDA CASE# 2:19-CV-00190-SPC-MRM, DOCUMENT 38, PAGE (8 of 11), THRU (9 of 11) ISPGH, DISMISSED MY PETITION, OF MY 8TH AMEND U.S CONSI. CLAIM, AND SAID, A PARTY MUST SHOW A GRIEVOUS AMBIGUITY, BEFORE THE RULE OF LENITY CAN BE APPLIED, ETC... * THAT, I'VE NOT IDENTIFIED, ANY AMBIGUITY, MUCH LESS ONE, SO GRIEVOUS, IT WOULD TRIGGER THE RULE OF LENITY APPLICATION, THAT, I FAILED TO ALLEGE, ANY FACTS, SUPPORTING, HABEAS RELIEF, BASED ON A VIOLATION, OF THE 8TH AMENDMENT. I WAS, THUS, DENIED A CERTIFICATE OF APPEALABILITY, VIA SLACK V. McDANIEL 529 U.S 473, 484 (2000) PAGE (10 of 11) THRU (11 of 11).

DATED ON, 7-27-2022, THE U.S MIDDLE DISTRICT COURT, FT. MYERS, FLORIDA CASE # 2:19-CV-00190-SPC-MRM, DOCUMENT 52, DENIED MY CERTIFICATE OF APPEALABILITY, REJECTING, MY RULE 59 MOTION, FOR RECONSIDERATION, ALL THE SAME, ABOVE PGH, VIA SLACK V. McDANIEL PAGE (1 of 2) THRU (2 of 2). * BOTH ORDERS ARE ATTACHED.

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CONTINUE →

CONTINUANCE, U.S. Supreme Ct. Rule 14 (JG)

DATED ON 11-18-2022, THE UNITED STATES, 11TH CIRCUIT, COURT OF APPEALS, CASE # 22-10193, DENIED MY APPEAL, VIA, USING, SHACH VS. MCDANIEL, 529 U.S. 473, 484 2000, THAT, A REASONABLE JURIST, WOULDN'T DEBATE, THE DISTRICT COURT, DENIAL, OF GROUND 1, THAT, A FIA. CONSTITUTIONAL CLAIM, ISN'T COGNIZABLE, WHICH IS IRRELEVANT, TO MY 8TH AMEND. U.S. CONST. CLAIM, THAT, I FAILED TO SHOW, MY SENTENCE WAS GROSSLY DISPROPORTIONATE, TO THE OFFENSE, PROVIDING, UNNECESSARY DETAILS, AND NOTHING OF, MY SIDE OF THE ALLEGATIONS, ABOUT, THE RULE OF CONSTRUCTION/ LENITY ETC....
PAGE (1 of 3) HAS 2 SENTENCES, THAN, PAGE (2 of 3), 1ST, 2ND, 3RD PARAGRAPH.

LASTLY, THAT, THE DISTRICT COURT, DID NOT ABUSE ITS DISCRETION, DENYING MY MOTION FOR RECONSIDERATION, THAT, I FAILED TO SHOW, MANIFESTED ERRORS OF LAW, OR FACT * TO THE EXTENT, I FAILED TO EXPLAIN, WHY THE RULE OF LENITY SHOULD APPLY, HOW THE FLORIDA COURTS, ERRORED IN RULING OTHERWISE. > PROVIDING, MINCEY V. HEARD, 206 F.3D 1106, 1137 (11TH CIR. 2000): ARTHUR V. KING, 500 F.3D 1335, 1345 (11TH CIR. 2007). PAGE, (3 of 3)* THE, 11-18-2022, ORDER, IS ATTACHED.

DATED ON, 12-5-2022, I FILED, A MOTION TO RECONSIDER, UNDER, 11TH CIR. RULE 27-2, DATED, 12-27-2022, THE 16 of 25 11TH CIR. COURT OF APPEALS DENIED THE MOTION, THAT IVE NOT ALLEGED ANY POINTS OF LAW (OR FACTS ETC.... ATTACHED

CONTINUE →

IN CONTINUANCE, SUPREME CT. RULE 14 (IG)

ALL SAID, I AM AMENDING BOTH COURTS, REFUSE TO RULE, DECIDE, AND (ON) GIVE JUDGMENT, ACCORDING TO, THE LEGISLATIVE FINDINGS AND INTENT, FIA. STAT. 810.015 (#5) (A-C), & (#6), WHICH PROVIDES, THAT, THE RULE OF CONSTRUCTION / INTERPRETATION, IS THE INTERPRETATION, OF THE BURGLARY STATUTE, FIA. STAT. 775.021 (#1).

*

READS: THE PROVISIONS OF THIS CODE, AS DEFINED, SHALL BE STRICTLY CONSTRUED, HOWEVER, WHEN THE LANGUAGE IS SUSCEPTIBLE, DIFFERING CONSTRUCTION, IT SHALL BE CONSTRUED, MOST FAVORABLY, TO THE ACCUSED.

THIS IS THE DETERMINATION, OF THE LEGISLATIVE FINDINGS AND INTENT, ACCORDING TO THE RULE OF CONSTRUCTION, FIA. STAT. 775.021 (#4B), WHICH, ALSO PROVIDES, THE EXCEPTIONS, TO THIS RULE, FIA. STAT. 775.021 (#4B3);

"OFFENSES, WHICH ARE, LESSER OFFENSES, THE STATUTORY ELEMENTS, WHICH ARE, SUBSUMED BY THE GREATER OFFENSE"

THE WORD, "EXCEPTION", ITSELF, IS AMBIGUOUS, ALL IN ALL, HAVING MULTIPLE, MEANINGS, 1. TO EXCLUDE (ON) EXCEPT 2. ACCEPTING (ON) TO ACCEPT, 3. AN OBJECTION (ON) OBJECTIONABLE THIS WORD, IS TO BE STRICTLY, CONSTRUED, AND SHALL BE CONSTRUED MOST FAVORABLY, TO ME, THE ACCUSED. ESPECIALLY WHEN THE LANGUAGE IS SUSCEPTIBLE, DIFFERING CONSTRUCTION FIA. STAT. 775.021 (#4B3), IS OBJECTIONABLE, AND

CONTINUE →

IN CONTINUANCE, SUPREME CT. RULE 14(1G)

I GAVE AN OBJECTION, IN THAT, THIS PROVISIONAL LANGUAGE, IS SUSCEPTIVE DIFFERING CONSTRUCTION, IT JUSTIFIES, ITSELF, THAT, A LESSER OFFENSE, IS SUSUMED BY THE GREATER OFFENSE, AND ONLY THE STATUTORY ELEMENTS, DISTINGUISHES, THE DEGREES OF A LESSER (OR) GREATER, CONTRARY, TO ONE ANOTHER. *THIS PROVIDES, AN OBJECTION, GENERAL, SO

By using, THIS EXCEPTION, FIA. STA. 775.021(#4B, 3) AND (OR) *By using SUB. SEC. #1, FIA. STA. 775.021(#1).

I AM ARRESTED, CONVICTED, AND SENTENCE, FIA. STA. 810.02(#3) FOR A BURGLARY OF AN UNOCCUPIED DWELLING, UNARMED A SECOND DEGREE OFFENSE, BUT, *ATTIMATELY

BURGLARY OF AN UNOCCUPIED DWELLING, IS LISTED, AND (OR) SUSUMED, WITH ALL THE, "OCCUPIED, STATUTORY ELEMENTS" A SECOND DEGREE OFFENSE, FIA. STA. 810.02(#3),

* AND NOT WITH, ALL THE UNOCCUPIED, STATUTORY ELEMENTS, A 3RD DEGREE OFFENSE, FIA. STA. 810.02(#4).

*ATTIMATELY

THIS LANGUAGE IS SUSCEPTIVE, DIFFERING CONSTRUCTION, AND WHEN THE LANGUAGE IS SUSCEPTIVE DIFFERING CONSTRUCTION IT SHALL BE CONSTRUED MOST FAVORABLY TO THE ACCUSED MY OFFENSE IS A LESSER OFFENSE, A 3RD DEGREE, NOT A 1ST OR 2ND DEGREE OFFENSE, I AM SERVING AN EXCESSIVE SENTENCE. THIS IS THE LEGISLATIVE DETERMINATION FINDINGS AND INQUIRY FIA. STA. 810.015(#5)(A-C), #6: FIA. STA. 775.021(#1)(#4B3).

IN CONTINUANCE, SUPREME CT. RULE 14(1G)

*ATTENTION

PURSUANT TO THE LEGISLATIVE FINDINGS AND INTENT, FIA STAT. 810.015 (#5)(A-C) AND (#6), CLEARLY STATES, THE RULES OF CONSTRUCTION, FIA STAT. 775.021 (#1) IS THE INTERPRETATION, OF THE BURGLARY STATUTE.

FIA STAT. 775.021 (#1), CLEARLY STATES, WHEN THE LANGUAGE IS SUSCEPTIBLE, OF DIFFERENT CONSTRUCTION, IT SHALL BE CONSTRUED, MOST FAVORABLY TO THE ACCUSED.

HOW, BURGLARY OF AN UNOCCUPIED DWELLING, IS LISTED WITH ALL THE STATUTORY ELEMENTS, OF AN OCCUPIED, A 2ND DEGREE, AND NOT WITH THE UNOCCUPIED STATUTORY ELEMENTS OF AN 3RD DEGREE. > 810.02 (#3) V. (#4) THE STATUTORY CONSTRUCTION, IS SUSCEPTIBLE, DIFFERENT CONSTRUCTION, CLEARLY AND OBVIOUSLY, THERE FOR IT SHALL BE CONSTRUED, MOST FAVORABLY TO ME/THE ACCUSED, THIS IS THE LEGISLATIVE DETERMINATION, AND THERE FINDINGS AND INTENT. *I HAVE SHOWN, AND ALSO PROVEN, ON THE FACE OF THE RECORD, THE BURGLARY STATUTE, AMBIGUOUS, I AM SERVING AN EXCESSIVE SENTENCE OF 15 YRS, DAY FOR DAY, INSTEAD OF 5 YRS.

*

THIS WAS A FEDERAL HABEAS CORPUS PROCEEDING, UNDER U.S.C 28 § 2254, UNDER, 28 § 2254 (E 2D), IT ALLOWS ME THE PETITIONER, THE RIGHT TO ALLEGE STATE LAWS AND THERE PROVISIONS, ANYTHING I WISH TO PROVE IN JUSTIFY AN EXCESSIVE SENTENCE, OF AN 8TH AMENDMENT, A U.S CONSTITUTIONAL VIOLATION ETC....

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IN CONTINUANCE SUPREME CT. RULE 14 (1G)

DATED ON JUNE 13TH 2022, THE 11TH CIRCUIT COURT OF APPEALS DETERMINED, THAT, MY MOTION FOR RECONSIDERATION, WAS TIMELY FILED, TO TOLL THE TIME TO APPEAL, MY AUG. 9TH 2021, FINAL ORDER, AND JUDGMENT, THAT, THIS APPEAL MAY PROCEED. DATED ON JULY 19TH 2022, THE 11TH CIRCUIT COURT OF APPEALS, REMANDED THE APPEAL, BACK TO THE U.S. MIDDLE DIST. COURT, FT. MYERS FLA., TO ADDRESS, WHETHER A CERTIFICATE OF APPEALABILITY, IS WARRANTED, AS TO MY CONSIDERED MOTION, FOR RECONSIDERATION, WHICH IS REQUIRED, FROM A DENIAL OF A RULE 59(E) MOTION. "BOTH ATTACHED"

DATED ON NOV. 18TH 2022, AM SAID, THE 11TH CIRCUIT COURT OF APPEALS, DENIED MY APPEAL, IN ALL OF, A CERTIFICATE OF APPEALABILITY, PROVIDING THE REQUIREMENTS, OF HOW TO OBTAIN, A CERTIFICATE OF APPEALABILITY, UNDER 28 U.S.C § 2253(C)(2): *SHACK V. MCDANIEL*, 529 U.S. 473, 484 (2000).

MY U.S. 8TH ASSIGNMENT, CONSTITUTIONAL VIOLATION CLAIM, WAS ALSO DENIED, THAT, I FAILED TO SHOW, MY SENTENCE WAS GROSSLY DISPROPORTIONATE, TO THE OFFENSE, *AM CONTRARY TO MYSELF OF THE ALLEGATIONS, USING THE LEGISLATIVE FINDINGS AND INTENTS / RULE OF CONSTRUCTIONS / IGNORANCE OF THE BURGLARY STATUTE, AS PREVIOUSLY EXPLAINED, "SUPREME COURT RULE 14 (1G), PAGES (12 OF 25) - (19 OF 25)", THE UNITED STATES, 11TH CIRCUIT COURT OF APPEALS, *ALSO ADDRESSES, IVE NOT EXPLAINED, THE BURGLARY STATUTE AMBIGUOUS, WHY THE FLORIDA COURTS ERRED, IN RULING OTHERWISE, THAT THE DISTRICT COURT, HADN'T ABUSED ITS DISCRETION IN DENYING MY MOTION FOR RECONSIDERATION, IN THAT, I FAILED TO PRESENT,

VII

CONTINUE →

10 of 25

INCONINUANCE, SUPREME COURT Rule 14(1G) * ENDING

NEW DISCOVERED EVIDENCE (ON) MANIFESTED ERRORS OF LAW
(ON) FACT. > 206 F.3D 1106, 1137 (1TH CIR. 2000) : 500 F.3D
1335, 1343 (1TH CIR. 2007) * USING THIS SAME EXACT CASE,
THE 1TH CIRCUIT COURT OF APPEALS, ERRORED IN THERE
JUDGMENT, COMMITTING PERJURY, 18 § 1623, THE FACTS
AND ISSUES, I'VE PRESENTED, IN THAT OF, THE LEGISLATIVE
FINDINGS, AND INTENT, THE RULES OF CONSTRUCTION/ LENTY,
OF THE BURGLARY STATUTE * AS PREVIOUSLY ALLEGED, ON
PAGES, (17 of 25) - (19 of 25), PRIMARILY (17-19 of 25),
DESERVES, AND (ON) DESERVES, ENCOURAGEMENT, TO
HAVE PROCEEDED, FURTHER. > SLACK V. MCDANIEL 529
U.S. 473, 484 (2000). VS. SPC Rule 14(1F)(#6). PG. (13 of 25).

ALL IN WHICH, WAS ALLEGED, ON THE FACE OF THE RECORD,
* PLEASE SEE, * EXHIBIT 1, MY ACTUAL, MOTION TO RECONSIDER, AS ABOVE,
ENTERED, BY THE ATTORNEY GENERAL'S OFFICE, TAMPA FLORIDA,
FILED (5-11-22), IN THE 1TH CIRCUIT COURT OF APPEALS, PAGES
(25 of 33) - (30 of 33), ATTIMATCH, PAGE (29 of 33) - (30 of 33),
AS IN, SUPREME COURT Rule 14(1G) PAGE (AS ABOVE).
THIS SAME INFORMATION, WAS PROVIDED, POINTED OUT, IN
MY NOTICE OF APPEAL, FILED JAN. 14TH 2022 PAGES
(8 of 20) - (10 of 20), WHICH MUST BE TREATED AS A
CERTIFICATE OF APPEALABILITY, FEDERAL RULE APPELLATE
Rule 22(B) * PLEASE SEE JAN. 21ST 2022, ELECTRONIC FILING.
* ALSO PG (14 of 20) - (17 of 20) OF MY NOTICE OF APPEAL.

LAST, THIS COURT, U.S. SUPREME COURT, IS LAST RESORT, &
THE BASIS FOR JURISDICTION, LIES U.S.C. 28 § 1254 (#1), I'VE
SOUTH REVIEW, IN ALL STATE COURT LEVELS, & FEDERAL 21 of 25
LEVEL, THAT'S WHY THE INSTANCE ECI....

VIII

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U.S. Supreme Court Rule 14 (H)

A DIRECT, AND CONCISE ARGUMENT, AMPLIFYING THE REASON, RELIED ON, FOR ALLOWANCE OF WRIT, UNDER, Rule 10:

I AM ALLEGING, THAT, THE U.S. MADA DIST. FT. MYERS FLA, I AM ALLEGING, THAT, THE UNITED STATES 11TH CIRCUIT COURT OF APPEALS, THAT, THERE DECISION, ON HOW THEY DECIDED, AND (ON) GIVE JUDGMENT. CONFLICTS WITH THE AUTHORITY OF LAWS, THE ACTS OF CONGRESS, THAT, JUSTIFIES, ON HOW TO RULE, DECIDE, (ON) GIVE JUDGMENT, THEREFORE, CONFLICTING, WITH OTHER UNITED STATES, COURTS OF APPEAL, DECISIONS, ON HOW TO RULE, DECIDE (ON) GIVE JUDGMENT, ACCORDING TO THE LAWS, ACTS OF CONGRESS THE AUTHORITY OF, THAT, PROVIDES, HOW TO RULE, DECIDE, AND (ON) GIVE JUDGMENTS, IN JUDICIAL PROCEEDINGS.

*

THE CONFLICTING OPINIONS OF CASES:

THE UNITED STATES, 2ND CIR. COURT OF APPEALS, 238 F. 317-2
THE UNITED STATES, 4TH CIR. COURT OF APPEALS, 270 U.S. 360.
THE UNITED STATES, 9TH CIR. COURT OF APPEALS, 260 U.S. 194.
THE UNITED STATES, 8TH CIR. COURT OF APPEALS, 196 U.S. 17-22.
THE UNITED STATES, 3RD CIR. COURT OF APPEALS, 177 U.S. 310.

PENAL STATUTES, ARE TO BE CONSTRUED, STRICTLY, THE LEGISLATURE INTENT MUST GOVERN, IN THE CONSTRUCTION OF PENAL STATUTE, AND NOT TO BE CONSTRUED, AS TO DEFER OBVIOUS INTENT OF THE LEGISLATURE. > 196 U.S. 17, 18:
* PLEASE SEE SPC Rule 14 (I G), OF THIS WRIT, PAGES 22 OF 25 (17 OF 25) - (19 OF 25), FOR ATTIMISE FACIS ECT....

CONTINUE →

IN CONTINUANCE, SUPREME CT. RULE 14 (1H)

THIS SUPREME COURT, OF THE UNITED STATES, VOICES
THE SAME *PLEASE SEE (#6) OF SUPREME COURT
RULE 14 (1F), PAGE (13 OF 25), OF THIS WAIT FOR
CERTIORARI, *ALL SAID :

PLEASE! SEE, SUPREME COURT RULE 14 (1G), PAGES
(14 OF 25) - (19 OF 25), BUT ATTIMATELY, STARTING
ON PAGE (17 OF 25) - (19 OF 25), *LASTLY PAGE
(21 OF 25), THE MODIE PART, FOR PRIMA FACE EVIDENCE
IN SUPPORT OF MY ALLEGATIONS, TO HAVE BEEN
PROVEN, AND TRUE ECT.... ON THE FACE OF THE
RECORD ECT....

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II
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