

22-7511

IN THE

SUPREME COURT OF THE UNITED STATES

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No. _____

JASON C. TUREM,
Petitioner,

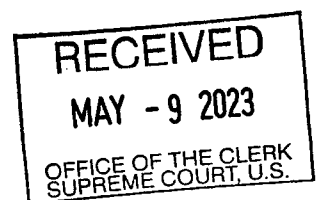
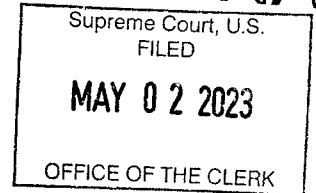
vs.

FLORIDA DEPARTMENT OF HIGHWAY SAFETY & MOTOR VEHICLES,
et al.,
Respondents

ON PETITION FOR WRIT OF CERTIORARI TO
SUPREME COURT OF FLORIDA

JASON C. TUREM, DC# C07109
FLORIDA STATE PRISON
23916 NW 83RD AVENUE
RAIFORD, FLORIDA 32083
* PRO SE *

ORIGINAL



QUESTIONS PRESENTED

Whether Petitioner has a federal Constitutional right to equal protection & equal application under the law & rule to a business purpose hardship drivers license as “any person” similarly situated?

Whether Petitioner has a federal Constitutional right to practice freedom of religion by issuance of a business purpose hardship drivers license for means to get to & from his choice of religious establishment?

Whether Petitioner who has, & continues to suffer, significant hardships by the suspension of his “unrestricted” drivers license simply for his inability, thus failure to pay past criminal court costs, fines & fees, has a federal Constitutional right to the pursuit of livelihood¹ by legal means of issuance of a business purpose hardship drivers license as “any person” under the State's statutory & rule construction scheme & intent?

THIS IS A CASE OF FIRST IMPRESSION

¹ In a Georgia drivers license case, this Court decided a drivers license is a Constitutional right in the pursuit of livelihood. See *Bell v. Burson*, 402 U.S. 535, 539 (1971) (Once licenses are issued, as in petitioner's case, their continued possession may become essential in the pursuit of livelihood.).

LIST OF PARTIES

[x] 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: Florida Department of Highway Safety & Motor Vehicles Executive Director Terry L. Rhodes

TABLE OF CONTENTS

OPINION BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL, STATUTORY, & RULE PROVISIONS INVOLVED.....	3-6
STATEMENT OF THE CASE.....	7-9
REASONS FOR GRANTING THE WRIT.....	10-11
CONCLUSION.....	12

INDEX OF APPENDICES

APPENDIX A: Order Denying Discretionary Jurisdiction

APPENDIX B: Order Per Curiam Affirmed & Mandate

APPENDIX C: Order Denying Petitioner

APPENDIX D: Denial Letter for Hardship/Administrative Hearing

APPENDIX E: Application for Hardship/Administrative Hearing
Form HSMV 78306

APPENDIX F: Fla. Stat. § 322.245 (5)(a)

APPENDIX G: Fla. Stat. § 322.271 (1)(a), (1)(c) 1, & (2)

APPENDIX H: Fla. Admin. Code R. 15A-1.019

APPENDIX I: Driver Record of Petitioner

APPENDIX J: Paid Financial Obligations

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER(S)
Bell v. Burson, 402 U.S. 535, 539 (1971).....	ii & 9
Sandin v. Connor, 515 U.S. 472, 481 (1995).....	7 & 10
 STATUTES & RULES	
Fla. Stat. § 322.245 (5)(a).....	3-7,9
Fla. Stat. § 322.271 (1)(a).....	3-4,7
Fla. Stat. § 322.271 (1)(c) 1.....	3-5,7
Fla. Stat. § 322.271 (2).....	3,5-7
Fla. Admin. Code R. 15A-1.019.....	5-7,9
 OTHER	
Application for Hardship/Administrative Hearing, Form HSMV 78306 (Rev. 08/2019).....	iv & 1
Amend. 1, U.S. Const.....	3
Amend. 14, §1, U.S. Const.....	3

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

[x] Cases from state courts:

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

The opinion of the First District Court of Appeal of Florida appears at Appendix B to the petition and is unpublished.

The opinion of the Circuit Court of the Second Judicial Circuit, Leon County, Florida, appears at Appendix C to the petition and the Petitioner believes it's unpublished but he's not sure.

[x] Cases from state administrative agency:

The opinion of the Florida Department of Highway Safety & Motor Vehicles at Appendix D following Application for Hardship/Administrative Hearing Form HSMV 78306, Appendix E.

JURISDICTION

☒ Cases from state courts:

The date on which the highest state court decided my case was April 13th, 2023. A copy of that decision appears at Appendix A.

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

CONSTITUTIONAL, STATUTORY, & RULE PROVISIONS INVOLVED

This case involves Amendments I and XIV to the United States Constitution, which provides:

Congress² **shall** make **no law** respecting an establishment of religion, or prohibiting the free exercise thereof. Amend. I U.S. Const.

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall... deny to **any person** within its jurisdiction the equal protection of the laws. Amend. XIV, § 1, U.S. Const.

Furthermore, this case involves § 322.245 (5)(a); § 322.271 (1)(a), (1)(c) 1, and (2) to the Florida Statutes, which provides in pertinent parts:

When the department receives notice from a clerk of the court that a person licensed to operate a motor vehicle in this state under the provisions of this chapter has failed to pay financial obligations for any criminal offense other than those specified in subsection (1), in full or in part under a payment plan pursuant to s. 28.246 (4)³, the department must suspend the license of the person

2 This includes the “state” Congress as well, shall make no laws, i.e., drivers license laws, respecting an establishment of religion, or prohibiting the free exercise thereof.

3 Petitioner has \$1,000s of court costs, fines & fees that must be paid in full due to being in collections, thus, not eligible for payment plan enrollment.

named in the notice. The department shall mail an order of suspension in accordance with s. 322.251(1), (2), and (6), which must also contain information specifying that the person may contact the Clerk of the Court to establish a payment plan pursuant to s.28.246(4) to make partial payments for fines, fees, service charges, and court costs.³ Fla. Stat. § 322.245 (5)(a). See Ap-F [Fla. Stat. § 322.245 (5)(a)].

Authority to modify revocation, cancellation, or suspension order. Upon the suspension, cancellation, or revocation of the driver license of **any person** as authorized or required in this chapter, except⁴ a person whose license is revoked as a habitual traffic offender under s. 322.27(5) or a person who is ineligible to be granted the privilege of driving on a limited or restricted basis under subsection (2), the department **shall** notify the licensee and, upon his or her request, **shall** afford him or her an opportunity for a hearing pursuant to chapter 120, as early as practicable within not more than 30 days after receipt of such request, in the county wherein the licensee resides, unless the department and the licensee agree that such hearing may be held in some other county. Fla. Stat. § 322.271 (1)(a). See Ap-G [Fla. Stat. § 322.271 (1)(a)].

4 Nowhere under the statute's "exception clause" does it exclude any person who has failed to pay financial obligations for any criminal offense from being "**any person**" eligible for a business purpose restricted hardship license for necessary driving to maintain livelihood, driving to & from work, educational purposes, church, & medical & mental health purposes, so as not to suffer serious hardship.

For the purposes of this section, the term: “A driving privilege restricted to business purposes only” means a driving privilege that is limited to **any driving necessary to maintain livelihood, including driving to and from work**, necessary on the job driving, **driving for educational purposes, and driving for church and for medical purposes**. Fla. Stat. § 322.271 (1)(c) 1. See Ap-G [Fla. Stat. § 322.271 (1)(c) 1].

At such hearing, the person whose license has been suspended, canceled, or revoked may show that such suspension, cancellation, or revocation **causes a serious hardship** and precludes the person from carrying out his or her normal business occupation, trade, or employment and that the use of the person's license in the normal course of his or her business is necessary to the proper support of the person or his or her family. Fla. Stat. § 322.271 (2). See Ap-G [Fla. Stat. § 322.271 (2)].

Lastly, this case involves Fla. Admin. Code R. 15A-1.019, which provides in pertinent part:

Reinstatement; Hardship. **Any driver** whose driver's license has been suspended, revoked, or canceled **for any reason**, other than those that are statutorily prohibited⁵, and habitual offenders

⁵ Fla. Stat. § 322.245 (5)(a), which is the statute Petitioner's **un**-restricted drivers license is suspended under for unpaid criminal court costs, fines & fees, does not prohibit him from a restricted business purpose hardship license, nor does any other statute or rule. Thus, he's “**any driver**” & “**any person**” whose “**unrestricted**” drivers license is suspended for “**any reason**” & eligible for immediate hearing & modification.

during the first year of their five year revocation, may apply immediately to the Department for the modification of the order or the reinstatement of a license pursuant to Section 322.271, F.S., as follows.... Fla. Admin. Code R. 15A-1.019⁶

⁶ Fla. Stat. § 322.245, is even the law implementation statute to aforementioned Fla. Admin. Code R. 15A-1.019. See **Ap-H** [Fla. Admin. Code R. 15A-1.019].

STATEMENT OF THE CASE

The State of Florida, by & through its Courts & Administrative Agencies, have a well-established history of disenfranchising its criminal offenders, as well as drawing negative inferences from the mandatory language in the texts of criminal offender laws & regulations. This Court is well aware of this. See, e.g., *Sandin v. Conner*, 515 U.S. 472, 481 (1995) (Courts have, in response, and not altogether illogically, drawn negative inferences from mandatory language in the text of prison regulations.). Petitioner has a suspended drivers license only for his past inability, thus failure, to pay off in full to collection agencies his criminal court costs, fines & fees. See Fla. Stat. § 322.245 (5)(a).

Fla. Stat. § 322.245 (5)(a), suspends only “**un-restricted**” drivers licenses. This statute has nothing to do with, nor was it intended, to exclude '**any person**' or '**any driver**' whose driving privilege is suspended for failure to pay criminal court financial obligations from franchise eligibility in receiving business purpose restricted hardship drivers license's in accordance with Fla. Stat. § 322.271 (1)(a), (1)(c) 1, & (2), along with Fla. Admin. Code R. 15A-1.019. The Florida Legislature listed such exclusions & those were habitual traffic offenders, & those listed under subsection (2) which are driving under the influence (“DUI”) manslaughter cases. *Id.* at (2), et seq.

Petitioner is a documented **“safe driver.”** See **Ap-I** [Driving Record of Petitioner]. Thus, Petitioner is **“any person” & “any driver”** & not excluded, thus eligible as a documented **safe driver** to receive both the mandatory hearing he was never afforded, along with a business purpose restricted hardship drivers license for the pursuit of livelihood, to get to & from work so he may pay the State back from the fruits of his labor, get to and from medical/mental health appointments, & get to & from his religious establishment so he may practice his freedom of chosen religion. The Respondents failure to afford the Petitioner the mandatory hearing & business purpose hardship drivers license has left him handicapped in rehabilitation, paying the State back his criminal court financial allegations (i.e., when Petitioner can secure any kind of work, he has made gains in paying back & clearing some Court financial obligation. E.g., see **Ap-J** [Paid Financial Obligations]), which without a drivers license & his criminal record make such near impossible, thus a significant & severe hardship. Wherefore, it's clear the Respondents are illegally, unlawfully & unconstitutionally depriving the similarly situated driver suspendee equal protection & equal application under the law & rule, as well as offending his constitutional right to: (a) the pursuit of livelihood which this Court in a Georgia drivers license suspension case based on an uninsured motorist getting involved in a car accident, decided a

driver license is essential in the pursuit of livelihood, Bell v. Burson, 402 U.S. 535, 539 (1971); & (b) to freely practice his religion by getting to & from his chosen religious establishment. Petitioner lives in an extremely “rural” County that has no public transportation system.

Lastly, to finally & factually support that he's an eligible “**person**” & “**driver**” for a business purpose restricted hardship drivers license, see Hardship Fla. Admin. Code R. 15A-1.019 “Law Implemented” statute, which lists Fla. Stat. § 322.245 (Ex-H [Fla. Admin. Code R. 15A-1.019]), which is the statute his “**un-restricted**” drivers license is suspended under for unpaid criminal court & financial obligations.

Wherefore, this petition for a writ of certiorari now follows. Petitioner is at this highest Court's mercy.

REASONS FOR GRANTING THE PETITION

This is a case of first impression not just of this Court, but as well as the Courts of Florida. There is no State of Florida, Florida Federal, nor United States Supreme Court case laws appertaining to this matter or any matters alike. Furthermore, the state laws & rule governing this controversy are clearly in favor of the Petitioner, thus the Respondents are in violation of his federal Constitutional rights. The State Courts of Florida have a well-established history of disenfranchising criminal offenders by erroneously & without legal merit deciding cases in favor of, but not limited to, administrative agencies. *Connor v. Sandin*, 515 U.S. 472, 481 (1995). Lastly, this case has Florida statewide ex-offender public interests, as well as national public interests based on the fact that other states, e.g., but not limited to, Texas, suspend criminal offenders drivers license's for unpaid criminal court costs, fines & fees. And, there's the State interest in wanting to collect the fruits of ex-offender's labor & a business purpose restricted hardship license for a driver to get to & from work is the greatest interest in accomplishing this need for the State. Not handicapping & disabling the criminal ex-offender whose Court financial obligations are in collection & must be paid in full (i.e., payment plans are not permitted for financial obligations in collections) before drivers license reinstatement eligibility, thus making it near impossible from

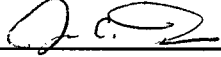
being able to find & keep employment, especially when most ex-offenders can only find work in the construction field which requires a drivers license to get to & from different area located construction sites throughout a County, & sometimes the State.

PETITIONER IS AT THIS COURT'S MERCY TO ISSUE A WRIT OF CERTIORARI.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

/s/ 

Jason C. Turem, DC# C07109

Florida State Prison

23916 NW 83rd Avenue

Raiford, Florida 32083

PRO SE

Date: May 2nd, 2023