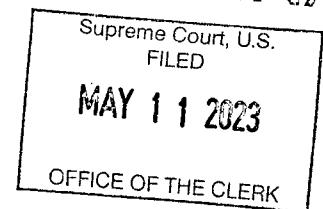


No. 22-10064

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IN THE  
SUPREME COURT OF THE UNITED STATES

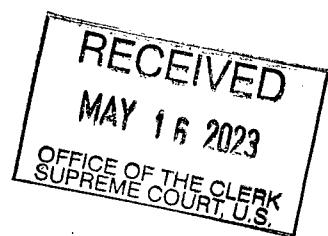


VICTOR WILSON — PETITIONER,  
vs.  
THE STATE OF FLORIDA — RESPONDENT

ON PETITION FOR WRIT OF CERTIORARI TO  
THE ELEVENTH CIRCUIT COURT OF APPEAL

PETITION FOR WRIT OF CERTIORARI

VICTOR WILSON  
Tomoka Correctional Institution  
3950 Tiger Bay Rd.  
Daytona Beach, FL 32124



**QUESTION(S) PRESENTED**

(1) Can a 11<sup>th</sup> Circuit Court sua sponte deny a defendant's or petitioner's constitutional right to a public speedy trial 3.191 (P)(3). (2) Does the Petitioner have a constitutional right to be brought to trial within a reasonable time under Fla. R. Crim. P. 3.191(P)(3).

**Under the United States Constitution  
subsection (1) and section 16 Article I**

(3) does it provide that in all criminal prosecutions the accused shall enjoy the right to a speedy trial under the due process clause of the 14<sup>th</sup> Amendment.

## **LIST OF PARTIES**

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:

- Honorable Ricky Dixon - Secretary Fla. Dept. of Corrections
- Fred Gazalh – Stand by Counsel, 4<sup>th</sup> Judicial Circuit Florida
- Jordan Bryan, Senior Asst. Att. General State of Florida
- NF Dermott Michael – Senior Asst. Att. General State of Florida
- Honorable Ashley Moody – Att. General State of Florida
- Honorable Melissa Nelson, State Att. 4<sup>th</sup> Judicial Circuit Florida
- Honorable Salvador Tatiana 4<sup>th</sup> Judicial Circuit Judge of Florida
- Honorable Steven B. Whittington 4<sup>th</sup> Judicial Circuit Judge of Florida
- Honorable Judge Luck 11<sup>th</sup> Circuit Court of Appeal
- Honorable Judge Branch 11<sup>th</sup> Circuit Court of Appeal
- Appellant Victor Wilson – Pro se Litigate Florida

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APPENDIX E	PETITION FOR REHEARING EN BANC CONSIDERATION
APPENDIX F	Record on Appeal - Pre-trial Proceedings

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## TABLE OF AUTHORITIES CITED

### CASES

*Landry v. State*, 666 So.2d 121 (Fla. 1995)

*State EX Rel Aguiar v. Chappell*, 344 So.2d 92 (Fla. 5<sup>th</sup> DCA)

*Murry v. Carrier*, 477 U.S. 478, 91 L. Ed. 2d 397, 106 S.Ct. 2639 (1986)

*Klopfer v. North Carolina*, 386 U.S. 213, 18 L. Ed. 2d 1, 86 S.Ct. 988 (1967)

*Dickey v. Florida*, 396 U.S. 816, 24 L. ed. 2d 68, 90 S.Ct. 1099 (1969)

### STATUTES AND RULES

Fla. R. Crim. P. 3.191

U.S. Const. 6<sup>th</sup> and 14<sup>th</sup> Amendments

28 U.S.C. 2253(c)

~~918.612(2)~~

Congress expressed no intention to allow trial court procedural error to bar vindication of substantial constitutional rights on appeal.

Fed. R. Civ. P. 56, which governs sworn Appendix/Affidavits/exhibits

### OTHER

*United States v. Ewell*, 383 U.S. 116 (1966)

*United States v. Marion*, 404 U.S. 307 (1971)

*Barker v. Wingo*, 407 U.S. 514 (1972)

**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**

The opinion of the Untied States court of appeals appears at Appendix C to the petition and has been designated for publication but is not yet reported.

The opinion of the United States district court appears at Appendix B to the petition and has been designated for publication but is not yet reported.

The opinion of the highest State Court to review the merits appears at Appendix A to the petition and is reported at SC14-2235-1D14-4289-Writ of Prohibition.

The opinion of the Florida Supreme Court appears at Appendix A to the petition and is reported at SC14-2235.

**JURISDICTION**

The date on which the United States Court of Appeals decided my case was 1-5-23. A timely petition for rehearing was denied by the Untied States court of Appeals on the following date: 3-28-23, and a copy of the order denying consideration appears at Appendix D.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1)

The date of which the highest state court decided my case was February 20, 2015. A copy of that decision appears at Appendix A.

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

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

The United States Constitution provides in all criminal prosecutions the accused shall enjoy the right to a public and speedy trial 3.191(P). This guarantee is applicable to the State's by virtue of the due-process of law clause of the 14<sup>th</sup> amendment: indisputably the right to a speedy trial 3.191(P) is one of the most sacred and important rights guaranteed by the United States Constitution and when Congress codified new rules governing this previously judicially managed area of law, it did so without losing sight of the fact that a writ of habeas corpus plays a vital role in protecting constitutional rights under federal and state laws, there now exists an emergency so that it is necessary for this court to adopt the rule providing the procedure through which the right to a speedy trial 3.191(p)(3) is guaranteed. Thus, Fla. Statute: 918.012(2) is a legislative determination of the maximum delay in the trial which may be imposed upon one charged with a criminal offense where such delay is brought about without any fault or affirmative action on the part of the accused and is not permitted to occur over his protest:Petitioner contents that a person accused of a crime is constitutionally guaranteed a speedy trial 3.191(P)(3) under section 11 of the Declaration of Rights of the 6<sup>th</sup> and 14<sup>th</sup> Amendments U.S.C. Petitioner remains a criminally convicted accused and restricted and faced with the oppressive burden of having being denied his right to a speedy trial 3.191 (p)(3) without any realistic relief.

## **STATEMENT OF THE CASE**

The Petitioner was arrested on December 16, 2012. On January 17, 2014, the Petitioner filed a Motion for Expiration of Speedy Trial and the lower circuit court denied the motion on the grounds that the speedy trial time had not expired: on February 7, 2014, the Petitioner invoked his Notice of Expiration of Speedy Trial 3.191 (A)(P)(3) and the circuit court denied the motion on erroneous grounds: on February 27, 2017, Petitioner filed a Motion to Demand for Speedy trial 3.191 (A)(B) and the hearing was held on March 19, 2014, in which the lower circuit court granted the speedy trial demand and the trial court had two (2) options under the rule, one (1) strike the demand as invalid; or two (2) order Petitioner be brought to trial within ten (10) days under Fla. R. Crim. p. 3.191 (P)(3) "175 days speedy trial default period" but the trial court did neither, therefore Petitioner was entitled to relief: According to *Landry v. State*, 666 So.2d 121 (Fla. 1995). ~~see: Appendix (F)~~

## **STATEMENT OF THE CASE**

The State and trial court defaulted from the very beginning when they denied Petitioner his constitutional right to a public and speedy trial under the 6<sup>th</sup>, 8<sup>th</sup>, and 14<sup>th</sup> Amendments to the federal and state due process clauses. Petitioner contends that the 11<sup>th</sup> Circuit Court of Appeals has overlooked and misapprehended the essential requirements of law and facts: because clearly from the face of the record, Petitioner has addressed that the Supreme Court rulings are clearly established federal law which cannot make rules inconsistent with controlling constitutional provisions. This petition is before the Court for absolute screening pursuant to federal rules governing Section 2254 cases which requires this Court to examine the petition under the points and facts of law with supporting Affidavits/Exhibits.

## **REASONS FOR GRANTING THE PETITION**

The 11<sup>th</sup> Circuit Court has made errors in the ruling and handling of this case. It is obvious that the 11<sup>th</sup> Circuit Court has committed a violation of Petitioner's State and Federal Constitutional Right to a speedy trial 3.191 (P)(3) and F.S.A. 918.01(2)

## **RELIEF SOUGHT**

The Petitioner respectfully prays that this Honorable Court grant his petition for writ of Certiorari and to cease and desist all actions against Petitioner releasing the Petitioner immediately issuing the proper ruling to ensure the rules of law are held to standard in the above styled cause.

## **CONCLUSION**

The petition for writ of certiorari should be granted.

Respectfully submitted,

Victor Wilson  
Victor Wilson, DC # J00910  
Tomoka Correctional Institution  
3950 Tiger Bay Rd.  
Daytona Beach, FL 32124

Date: 5-11-23