

No. 23-5127

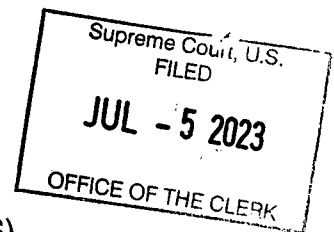
IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

EDWARD R. BROWN — PETITIONER
(Your Name)

vs.

Ricky D. Dixon, etc., — RESPONDENT(S)



ON PETITION FOR A WRIT OF CERTIORARI TO

THE FLORIDA Supreme court
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

EDWARD BEVENOUS BROWN
(Your Name)

6901 State Road 62
(Address)

Bowling Green, FL 33934
(City, State, Zip Code)

(863)-767-4500
(Phone Number)

QUESTION(S) PRESENTED

- (1). Did the Sentencing court Error when it Used false and misleading DNA Laboratory Analysis reports in the Petitioner's Trial Proceeding which Violated the Petitioner's Due Process rights to A fair Trial...
- (2). Did the Appeals court Error By Deviating from the Petitioner's merited Claim on Appellant review...
- (3). Did the Florida Supreme court Error By Denying the Petitioner's Petition for writ of Habeas corpus as Procedurally Barred, when the Petitioner filed A Notice invoking Jurisdiction for an habeas corpus review...

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:

RELATED CASES

TeJada v. Dugger, 941 F.2d 1551 (11th Cir. 1991).
Shaw v. Boney, 695 F.2d 528, 530 (11th Cir. 1983).
Jamason v. State, 447 So.2d 892, 895 (Fla. 4th DCA 1983).
Conner v. State, 803 So.2d 598, 608 (Fla. 2001).
McIntosh v. State, 254 So. 3d 1196 (Fla. 1st DCA 2018).

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- APPENDIX B: THE THIRD DISTRICT COURT OF APPEAL COURT OPINION AND MANDATE.
- APPENDIX C: THE SENTENCING COURT ORDER DENYING PETITIONER'S POSTCONVICTION MOTION FOR RELIEF BASED ON NEWLY DISCOVERED EVIDENCE.
- APPENDIX D: PETITIONER'S PETITION FOR WRIT OF HABEAS CORPUS ALLEGING A MISARRIGE OF JUSTICE PROCESS, FILED TO THE SUPREME COURT.
- APPENDIX E: PETITIONER'S 3.850(a)(1)(b)(1) MOTION FOR POSTCONVICTION RELIEF ALLEGING NEWLY DISCOVERED EVIDENCE, FILED TO THE SENTENCING COURT.
- APPENDIX F: PETITIONER'S PETITION FOR WRIT OF CERTIORARI, FILED TO THE SENTENCING COURT.

TABLE OF AUTHORITIES CITED

CASES

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<u>Shaw v. Boney</u> , 695 F.2d 528, 530 (11 th cir. 1983)...	4.
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<u>Conner v. State</u> , 803 So.2d 598, 608 (Fla. 2001)...	4.
<u>McIntosh v. State</u> , 254 So.3d 1196 (Fla. 1 st DCA 2018)...	4.

STATUTES AND RULES

OTHER

28 U.S.C. section 1257(a)

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

☐ For cases from **federal courts**:

The opinion of the United States court of appeals 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 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 A to the petition and is

- ☒ reported at Brown v. State, 2022 WL 17249304 at *1 (Fla. Nov 28, 2022); or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the Third District Appeals court appears at Appendix B to the petition and is

- ☒ reported at Brown v. State, 343 So. 3d 1248 (Fla. 3d DCA 2022); 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 _____.

☐ 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 MAY 24th, 2023.
A copy of that decision appears at Appendix A.

☐ 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

United States Constitutional Article (14) ~~Section~~ 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 abridge the Privileges or Immunities of 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.

FLORIDA Constitution Article (1) Section (9):

No Person shall be deprived of life, liberty or property without due Process of law, or be twice put in jeopardy for the same offense, or be compelled in any criminal matter to be a witness against oneself.

STATEMENT OF THE CASE

On January 20th, 2022 the Petitioner filed A 3.850(a)(1)(b), (b)(1) motion for Postconviction relief alleging newly discovered evidence to the Sentencing court arguing that the trial court Judge misapplied its authority By allowing falsified DNA laboratory analysis reports filed By the state Prosecutors and used as evidence in his trial Proceedings, which infringed the Petitioner of his united States constitutional amendment (14th) due Process rights, which is consistant with the florida constitution Article (1) section (9) rights. the Petitioner argued in his motion to the courts that the two laboratory reports introduced and used as evidence in his Preliminary hearing and trial Proceedings was an infringement, Because the DNA reports are false and misleading reports which constituted the testimony of the analysis expert to be PerJured in regards to the expert reading and explaining the DNA reports to the trial Jury. on february 2nd, 2022 the trial court denied the Petitioner's motion without A states response, the petitioner then filed A notice of Appeal to the courts in which the Appeals court received the petitioner's motion and EXHiBits for an APPELLant review. And on July 27th, 2022 the APPEALS court filed its written opinion with A rendering date of August 29th, 2022. on february 2nd, 2023 the Petitioner filed A Petition for writ of habeas corpus alleging A miscarriage of Justice Process to the florida Supreme court as A Writ of Error, of the decisions made from the lower courts, and On May 24th, 2023 the Justices of the Supreme court denied the Petitioner Petition for writ of habeas corpus as Procedurally Barred.

REASONS FOR GRANTING THE PETITION

The reason for granting the Petition is (1), A United States court of Appeals has entered A decision in conflict with the decision of another United States court of Appeals on the same important matter; has decided an important federal question in A way that conflicts with A decision By the State court of last resort; or has so far departed from the accepted and usual course of Judicial Proceedings, or sanctioned such A departure By A lower court, as to call for an exercise of this court's supervisory power; (2), A state court of last resort has decided an important federal question in A way that conflicts with the decision of another state court of last resort or of A United States court of Appeals; (3), A state court or A United States court of Appeals has decided an important question of federal law that has not been, but should be, settled by this court, or has decided an important federal question in A way that conflicts with relevant decisions of the Supreme court of the United States: see; United States Supreme court Rule 10 (a)(b)(c), as Authority.

In this legal matter of Justice, the decisions of the courts of Florida are in conflict with long standing decisions and precedents of the United States Supreme court regarding illegal searches and seizures. Further, this case presents an important question of law that has not yet been decided by the United States Supreme court. Finally, as asserted in Hanna-Mack v. Bank of America, N.A., 218 So. 3d 971, 973 (Fla. 3d DCA 2017) "Every court has inherent powers to do all things that are reasonable necessary for the Administration of Justice within the scope of its Jurisdiction". in which proper Jurisdiction of the United States Supreme court has been invoked under 28 U.S.C. section 1257(a). as well as asserted in Jamason v. State, 447 So. 2d 892, 895 (Fla. 4th DCA 1983) "If it appears to A court of competent Jurisdiction that A man is being illegally restrained of his liberty, it is the responsibility of that court to brush aside formal technicalities and issue such appropriate orders as will do Just Justice".

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,


EB.

Date: July / 5th / 2023.