

No. 23-5287

CIRCUIT CRIMINAL No.: CRC 80-6221 CFASO-D

IN THE
SUPREME COURT OF THE UNITED STATES

WILLIAM G. HAAKE – PETITIONER

vs.

STATE OF FLORIDA – RESPONDENT

PETITION FOR REHEARING OF AN EXTRAORDINARY
WRIT OF HABEAS CORPUS

William G. Haake, 108712 - D4-105L
Everglades Correctional Institution
1599 S.W. 187th Avenue
Miami, Florida 33194-2801

BASIS FOR REHEARING

The basis for requesting rehearing, under Rule 44, is invoked under Rule 28 USC §1746, where a treaty between the United States and the Country of Spain was invalidated by the Sixth Judicial Circuit in and for Pinellas County Florida - calling into question the constitutionality of an Act of Congress, And Rule 28 USC §2403(b) drawing into question whether Florida Statute 782.04(1)(A)(2), is constitutionally valid under the terms of the Untied States Treaty 22 (1971)

Commencing with the premise that Article VI clause 2 of the United States Constitution is valid - making the United States Treaty 22 (1971) with the County of Spain the Supreme Law of the Land, by which, all counts of the United States are bound - requiring the courts to defer to it, before making any ruling. Nevertheless, Florida's trial judge when presented with the treaty as a defense against prosecution for charges never alleged nor jurisdictionally approved, by Spain, ruled "The Treaty is of no Importance" (R. 126).

If then, the Treaty is the Supreme Law of the Land, Florida's Statute (782.04(1)(A)(2)) is unconstitutional under the obligation of the Treaty's Dual Criminality and Specialty Doctrine, in that, Florida neither asked for jurisdiction under this statute nor does Spain recognize the Statute as a crime.

The, perjured warrant, submitted to Spain, alleged that the Petitioner shot and killed the victim. Only at trial did Florida admit that victims dying declaration

acknowledged the Petitioner neither shot him nor took the drug money (R. 202, 240-41). There can be no justice without truth.

Treaties are acts of Congress. Therefore, by denying Petitioner Treaty based defense, without ever reading the Treaty or the Spanish High Court Order, the trial court, in fact, denied the validity of the Treaty. Thereby drawing into question the Supremacy Clause of the United States Constitution and nullifying an Act of Congress - dealing with international, self-executing, contractual obligations by the overreaching authority of a county judge.

WHEREFORE, the Petitioner prays this Honorable Court to reconsider the Constitutionality of Florida's actions and arrive at the only logical conclusion by granting Petitioner's Extraordinary Writ of Habeas Corpus - holding otherwise is to allow the erosion of the Constitutional values this Country stands for.

Date: 11-28, 2023

Respectfully submitted,

/S/ William G. Haake
William G. Haake.
DC # 108712
Everglades Correctional Institution
1599 S.W. 187th Avenue
Miami, Florida 33194-2801

**CERTIFICATE STATING THE GROUNDS FOR
REHEARING ARE PRESENTED IN GOOD FAITH**

I William G. Haake, do Hereby Declare and certify the jurisdictional grounds raised in this petition for Rehearing are of a substantial nature involving foreign relations violations of Treaty obligations, the challenge to original jurisdiction has not been previously addressed which merits rehearing of my Extraordinary Writ of Habeas Corpus. Furthermore, I certify my Petition for Rehearing is presented in good faith and not for the purpose of delay.

Submitted on: 12 - 18, 2023

/S/ William G. Haake
William G. Haake.
DC # 108712

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No. 23-5287

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STAFF INITIALS

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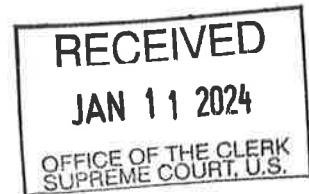
WILLIAM G. HAAKE – PETITIONER

vs.

STATE OF FLORIDA – RESPONDENT

GROUND FOR REHEARING

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GROUNDS FOR REHEARING

The doctrines of Dual Criminality and Speciality are the two jurisdictional limiting grounds stemming from the United States Treaty 22 (1971), which call into question the trial court's original jurisdiction. The Supremacy Clause of the United States Constitution decrees the only laws applicable, to this case, are contained within the four corners of the treaty, the Warrant and any agreements the two sovereign nations negotiated. Yet when the Petitioner introduced the treaty, as a defense, the trial court ruled "The Treaty is of no importance" (CR-126). If then the Supreme Law of the land can be swept aside with impunity, it follows, there were no laws which Petitioner could seek protection against prosecution for charges never alleged. Yet, precedents established, by this Court, mandates where a court fails to adhere to the terms of a Treaty, jurisdiction is lost.

The Doctrine of Dual Criminality, which all jurisdictional issue, presented to this Court, hinge, is established in Article II of the Treaty which lists all crimes eligible for the purpose of extradition and requires "... that these offenses are punishable by the laws of "BOTH" contracting parties..." (Emphasis Added).

Sworn documents submitted to Spain accused Petitioner of Premeditated Murder, alleging he shot and killed the victim with a firearm. Yet the victim's dying declaration exonerated Petitioner of the killing. (CR 202, 240-41). Florida concedes that "The victim was shot by another who took the money and fled by his

own means" (CR 160-61). However, at trial, Florida introduced their theory of felony-murder which Petitioner objected to in accordance with the Treaty's Doctrine of Speciality that limits jurisdiction of United State's Courts to the specific charges and allegations requested, to the exclusion of all others.

The Treaty's Doctrines of Dual Criminality and Speciality are self-executing international contractual obligations which operate independently to prohibit Florida's jurisdiction to present to a jury, a theory of prosecution not listed in the treaty and not considered by Spanish Law as a crime.

The evidence presented, at trial, established beyond a reasonable doubt that Petitioner was innocent of all charges and allegations, for which he was extradited. It stands to reason, if the same testimony were presented in a Spanish Court, a conviction for any degree of murder could not be sustained.

Petitioner's prosecution began with perjured documents submitted to Spain and concluded with an erroneous AS CHARGED verdict.

It seems, this Court has a Treaty obligation to rehear this case and grant Petitioner's Extraordinary Writ of Habeas Corpus.

Submitted on: 12-28, 2023

/S/ William G. Haake
William G. Haake.
DC # 108712
Everglades Correctional Institution
1599 S.W. 187th Avenue
Miami, Florida 33194-2801

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WILLIAM G. HAAKE – PETITIONER

vs.

STATE OF FLORIDA – RESPONDENT

GROUND FOR REHEARING

PROOF OF SERVICE

I, William G. Haake, do swear or declare that on this date, 12-28, 2023, as required by Supreme Court rule 29 I have served the enclosed PETITION FOR REHEARING OF AN EXTRAORDINARY WRIT OF HABEAS CORPUS on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Office of the Attorney General, The Capitol, Tallahassee, Florida 32399-1050.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on 12-28, 2023.

/S/ William G. Haake
William G. Haake, *pro se*
DC # 108712

William G. Haake
DC # 108712 - D4-105L
Everglades Correctional Institution
1599 S.W. 187th Avenue
Miami, Florida 33194-2801

Supreme Court of the United States
Office of the Clerk
Clayton R. Higgins, Jr.
Washington D.C. 20543-0001

Re: In Re William G. Haake
No.: 23-5287

Dear Honorable Clayton R. Higgins, Jr.

I received a letter from your office, dated December 14th, 2023, in December 22nd, 2023. Due to the delay in receiving your letter and the Holidays, I did not have adequate time to properly research the Court's requirements. I pray the enclosed statement of grounds and certificates are in proper order

Thank you for your attention to this matter.

Date: 12 - 29, 2023

Sincerely,

/S/ William G. Haake
William G. Haake.
DC # 108712